

U.S. REFUGEE PROGRAM IN SOUTHEAST
ASIA: 1985

R E P O R T

PREPARED FOR THE USE OF THE
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE
POLICY
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE



APRIL 1985

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1985

47-710 O

5522-3

COMMITTEE ON THE JUDICIARY

STROM THURMOND, South Carolina, *Chairman*

CHARLES McC. MATHIAS, Jr., Maryland

PAUL LAXALT, Nevada

ORRIN G. HATCH, Utah

ALAN K. SIMPSON, Wyoming

JOHN P. EAST, North Carolina

CHARLES E. GRASSLEY, Iowa

JEREMIAH DENTON, Alabama

ARLEN SPECTER, Pennsylvania

MITCH McCONNELL, Kentucky

JOSEPH R. BIDEN, Jr., Delaware

EDWARD M. KENNEDY, Massachusetts

ROBERT C. BYRD, West Virginia

HOWARD M. METZENBAUM, Ohio

DENNIS DeCONCINI, Arizona

PATRICK J. LEAHY, Vermont

HOWELL HEFLIN, Alabama

PAUL SIMON, Illinois

DENNIS W. SHEDD, *Chief Counsel and Staff Director*

DEBORAH K. OWEN, *General Counsel*

DEBORAH G. BERNSTEIN, *Chief Clerk*

MARK H. GITENSTEIN, *Minority Chief Counsel*

SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY

ALAN K. SIMPSON, Wyoming, *Chairman*

CHARLES E. GRASSLEY, Iowa

JEREMIAH DENTON, Alabama

EDWARD M. KENNEDY, Massachusetts

PAUL SIMON, Illinois

RICHARD W. DAY, *Chief Counsel and Staff Director*

JERRY M. TINKER, *Minority Counsel*

LETTER OF TRANSMITTAL

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 24, 1985.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN THURMOND: During the Easter Congressional recess, from April 5, 1985 through April 15, 1985, I conducted a field investigation of our Indochinese refugee program in Southeast Asia. I was accompanied on the trip by Richard W. Day, the chief counsel and staff director of the Subcommittee.

We travelled to the Philippines, Thailand and Hong Kong. In the Philippines we visited the Refugee Processing Center on Bataan. In Thailand we made extensive visits in the field to refugee camps on both the Thai/Cambodian border and the Thai/Lao border. In Thailand we also held lengthy consultations with Thai government officials, U.S. embassy officials, and intergovernmental agency officials. In Hong Kong we met with Hong Kong government officials and U.S. embassy officials.

The following report contains my findings, conclusions and recommendations.

I have personally reviewed and discussed this report with the Secretary of State.

Most sincerely,

ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration
and Refugee Policy.

FOREWORD

The issues involving our Nation's refugee policy continue to be some of the most important and controversial topics of public debate. One distinct component of our Nation's refugee policy centers on the Southeast Asian refugee resettlement program. More than 735,000 Indochinese refugees have resettled in the United States since the Vietnam War ended ten years ago. The "Emergency" refugee resettlement program is drawing to a close.

The Subcommittee on Immigration and Refugee Policy, chaired by Senator Alan Simpson, has conducted an extensive field investigation of the U.S. refugee/settlement program in Southeast Asia. The investigation included: onsite examination of operations and policy at the refugee processing center on Bataan, the Philippines; extensive field visits to refugee camps on the Thai/Cambodian border and the Thai/Lao border; and meetings with U.S. Embassy officials and government officials from the Philippines, Thailand and Hong Kong.

Senator Simpson has recorded his findings and prepared recommendations in a report for the use of the Subcommittee on Immigration and Refugee Policy. In order to make this information and Senator Simpson's views available to Committee Members and other members of the Senate, the Judiciary Committee has chosen to publish the report. I believe that this document provides information and views which will be useful in reviewing our Indochinese refugee program.

STROM THURMOND,
Chairman, Committee on the Judiciary.

CONTENTS

	Page
Letter of transmittal	III
Foreword.....	V
Background	1
Refugee processing center on Bataan, The Philippines.....	3
Royal Thai Government refugee policy.....	5
Khmer refugees.....	7
Lao refugees.....	13
Vietnamese Orderly Departure Program.....	17
Vietnamese refugees in Hong Kong.....	20
Conclusions and policy recommendations.....	22
Appendix: Refugee and migration problems in Southeast Asia: 1984	25

BACKGROUND

Since the fall of Saigon, 10 years ago this month, the United States has accepted for resettlement more than 735,000 Indochinese refugees. Since 1979 Indochinese resettlement has dominated our refugee program, and that domination continues today with more than three-fourths of all U.S. refugee admissions being allocated to arrivals from Southeast Asia. The fiscal year 1985 admissions ceiling from Southeast Asian refugees in 50,000.

Other countries, primarily Australia and Canada, also continue to resettle considerable, although lesser, numbers of Southeast Asian refugees (about 38,000 in fiscal year 1985).

Although the camp populations in Southeast Asian "first asylum" countries are dropping, refugees continue to enter the first asylum countries in significant numbers. More than 45,000 persons seeking asylum arrived in Southeast Asian countries by boat or on foot in 1984.

In addition to the refugees in first asylum, hundreds of thousands of Khmer "displaced persons" have encamped along the Thai/Cambodian border since 1979. The international community is providing humanitarian aid to these persons in the form of food and medical assistance. Between November 1984 and April 1985 more than 240,000 of these Khmer civilians were evacuated to temporary sites within Thailand as a result of the intense fighting along the border between Khmer resistance groups and the Vietnamese forces occupying Cambodia.

The Orderly Departure Program (ODP), negotiated by the United Nations High Commissioner for Refugees (UNHCR) with the Vietnamese Government in 1979, has provided an avenue by which persons have been able to leave Vietnam in a safe and orderly fashion. More than 30,000 Vietnamese have been brought to the United States under this program, approximately 70% of them as refugees. Vietnamese government cooperation with the program has dramatically increased in recent years with a resulting increase in the number of departures. Amerasian children also come from Vietnam to the United States under the ODP.

Indochinese refugees resettled in the United States since 1979, particularly those in California, have had an alarmingly high welfare dependency rate. The United States has employed a system of pre-entry training for refugees at refugee processing centers (RPC's) where refugees are given 6 months of intensive cultural orientation and English language training which is intended to speed the process of integration and self-sufficiency in the United States. A principal RPC is the Philippine Refugee Processing Center at Marong on the Bataan Peninsula where about 31,500 refugees will receive training before entering the United States in fiscal year 1985.

Significant numbers of Vietnamese refugees arrive in Hong Kong by boat. Many of these boat people are from northern Vietnam and lack ties to the United States and other Western countries. Third country resettlement is comparatively slow, and Hong Kong currently has the largest boat refugee population in Southeast Asia.

REFUGEE PROCESSING CENTER ON BATAAN, THE PHILIPPINES

To facilitate their integration into American society, most refugees entering the United States are given English-as-a-Second Language/Cultural Orientation (ESL/CO) training at a refugee processing center (RPC). U.S.-bound refugees receive ESL/CO at three centers in Asia, but the Philippine Refugee Processing Center at Bataan is by far the largest—of the 22,000 refugees and dependents in ESL/CO during the time of the visit, nearly 17,000 were in the RPC at Bataan. The Government of the Philippines administers the Bataan RPC under contract to the UNHCR. Although other resettlement countries have used the RCP for training refugees in the past, and Norway still does, most of the refugees who have been at the center have come to the United States.

The Government of Japan has provided substantial funding for buildings for training programs, as well as for hospital equipment, supplies, and some Japanese medical technicians. The medical facilities at the RPC are excellent, providing adequate health screening, dental services, and eyeglasses to insure that refugees meet U.S. health standards before entering the United States.

Much of the original construction of the camp is suffering the effects of poor design and hard use. Sanitation and living conditions have become a problem. However, the UNHCR and the camp administration have undertaken a construction program which is well underway and which will remedy the most serious problems.

Cultural orientation training is innovative and improving, and recent studies have demonstrated improved English proficiency by refugees who have received the benefit of ESL training at the RPC. Nevertheless, there exists the anomolous situation of people from one country (the Philippines) teaching people from another country (Vietnam, Laos or Cambodia) what life is like in a third country (United States). There appears to be little information coming back to the RPC from the refugees who have been resettled in the United States who could share their experiences with the new refugees.

There appears to be a lack of education and training for those refugees under 16 and over 65. Children under 16 receive only 2 hours of educational services a day, 5 days a week, for a maximum of 14 days. Clearly, this is inadequate.

A very common phenomenon throughout Southeast Asia is the large number of children born in refugee camps. Over 2,457 births have occurred in the Bataan RPC in the past 5 years, and at present approximately 50 children are born each month in the Center. Each child takes a refugee "number" from someone else. Studies in the United States have indicated that family size is the primary indicator as to whether a family will reach self-sufficiency

within a reasonable time after resettlement—the larger the family, the tougher the task.

RECOMMENDATIONS

Channels should be developed to convey from refugees in the United States to the staff at the RPC hard information on what is effective, what they “wished” they had learned, what is or is not working, and just what is needed in the ESL/CO program. Refugees who have lived several years in the United States telling their own stories in the Center would seem to be a useful and effective tool in providing cultural orientation.

More resources must be developed for social services to the young refugees and elderly refugees.

Family planning services should be offered and emphasized in the RPC.

ROYAL THAI GOVERNMENT REFUGEE POLICY

More than 600,000 Indochinese refugees have entered Thailand since 1975. They have come over land and by boat from Vietnam; they have crossed the Mekong River from Laos; and they have come over the mountains from Cambodia. The Royal Thai Government has provided first asylum for these groups while making clear that continued first asylum in Thailand is contingent upon the assurance of the Western world that Thailand not be left with a residual population. The rate of third-country resettlement from the camps is followed very carefully by the Thai. As of January, 1985, there were approximately 127,000 Indochinese in first asylum status in Thailand. In addition, nearly 240,000 Khmer, not in first asylum status, were camped along the Thai-Cambodian border or in temporary evacuation sites within Thailand.

The delegation met with several senior Royal Thai Government officials involved in the refugee program: the Secretary-General of the National Security Council, the Minister of the Interior, and the Foreign Minister. These meetings established that the Thai Government continues to view U.S. resettlement efforts as reasonable and acceptable.

Thai officials see the refugee flow as a mixture of genuine political refugees and persons seeking a "better life" and cautioned the United States about confusing the two ("If you take them all, you will have 3 million Southeast Asians in the United States—they all want to go."). However, the Thai urged a speedier process in selecting refugees for resettlement.

The Thai officials stressed the necessity of adequate screening to deter the illegal entry of economic migrants while continuing a policy of first asylum for political refugees. They assured the delegation that the Royal Thai Government has developed a fair border screening process in order to deal with the increasing migration from Laos. The UNHCR will participate in the screening at both the initial interview level and in any appeal process. The regulations governing the procedures for the screening process have been prepared and distributed to the provincial governors. The Thai Government has requested the UNHCR to obtain guarantees from the Government of Laos that those rejected as being economic migrants will be permitted to return safely to Laos before the new screening process will be initiated. The UNHCR has been negotiating with the Lao authorities and has expressed cautious optimism that an acceptable repatriation agreement can be arranged, and that the formal screening process will be in operation by June 1, 1985.

The Thai expressed a willingness to provide a temporary "safe haven" for the Khmer displaced from the Thai/Cambodian border during the recent Vietnamese offensive. They do not consider these persons to be political refugees and thus do not expect the West to

provide resettlement opportunities. They expressed the need for economic and military aid for the Khmer resistance forces, specifically pointing out the need to develop an administrative framework in order that the non-communist opposition forces will be able to administer the government in Cambodia. They observed that the Khmer in the Khao-I-Dang camp who are not accepted for resettlement in the West could be transferred to the evacuation sites within Thailand where other displaced Khmer are awaiting the opportunity to return to the border camps.

KHMER REFUGEES

BORDER KHMER

Following the Vietnamese invasion and occupation of Cambodia with its accompanying fighting, political intimidation and crop destruction, hundreds of thousands of Cambodians, many starving, fled to the Thai border in 1979. The international community responded to the emergency by providing massive food and medical assistance not only to the Khmer massed at the border, but also to those in the interior of Cambodia in order to avert starvation and stem the flow of people to the border.

After providing "safe haven" to Khmer arriving at the border and establishing holding centers inside Thailand for approximately 175,000 Khmer, the Thai Government in early 1980 closed the Thai-Cambodian border and forced the Khmer camped in Thai territory along the border to move back into Cambodia. Since that time, the border Khmer have been allowed to enter Thailand only to avoid Vietnamese military action. At the time of the delegation visit to Thailand, more than 240,000 Khmer civilians were living in temporary "evacuation sites" within Thailand to escape what had become the most serious Vietnamese dry season offensive since their invasion of Cambodia in 1978.

Before they had been driven into Thailand, the 240,000 Khmer civilians had been living in long-established camps just inside Cambodia along the Thai border. The various camps owed allegiance to one or another of the three Khmer resistance groups: the Khmer Rouge guerrillas, the Sihanoukist National Army led by Prince Norodom Sihanouk, and the Khmer People's National Liberation Front led by former Prime Minister Son Sann. Most of the camps had been well-developed and displayed a thriving commerce. The population at these border camps has ranged from 240,000 to over 500,000 during the last 5 years. Many Khmer have left the border camps for the interior of Cambodia in order to work the land during the farming season while returning to the border during the dry season to obtain food distribution. The present population of about 240,000 has remained relatively stable for the past 24 months.

The food and medical assistance on the border is provided by the United Nations Border Relief Organization (UNBRO), which is staffed primarily by the World Food Program. The United States contributes about 30 percent of UNBRO's budget requirements. UNBRO was widely praised for its work along the border and appeared to be a finely tuned and smoothly operating assistance program.

The Khmer civilians on the Thai/Cambodian border are considered to be "displaced persons" by the UNHCR, the Thai Government, and the resettlement countries, including the United States.

They have, therefore, not been registered as refugees and are not eligible for resettlement by third countries under current Thai Government or UNHCR policies. Thai, Australian and Canadian officials all oppose any processing of this population for third country resettlement as refugees.

The civilians now occupying the evacuation camps will be returned to border camps on the Cambodian side of the border if, and when, the Vietnamese forces withdraw and no longer present a threat to their safety. Thai Government officials said it was impossible to estimate when the civilians would be able to return to the border area, but assured the delegation that Thailand would continue to provide "safe haven" within Thailand as long as it is necessary.

In preparation for the expected Vietnamese dry season offensive against the border encampments, the Thai Government had designated two evacuation sites, an initial site and a secondary site, for each border encampment. Roads were constructed and the evacuation sites were stocked with water and building supplies—plastic sheeting and framing materials. These facilities are adequate for temporary use during the dry season. If the displaced persons are unable to soon return to their border encampments, then improvements must be made to prepare for the rainy season. However, UNBRO is aware of the potential problem and preparations were underway to meet this eventuality.

While these civilians are receiving food, shelter and medical assistance through UNBRO, they are not receiving significant educational services. The millions of deaths during the Pol Pot regime and the subsequent resettlement of nearly 145,000 Khmer in third countries (two-thirds in the United States) has severely reduced the number of trained and educated Khmer available to administer and govern an independent and democratic Cambodia. Education and training of these Khmer civilians is more critically important than any military assistance for the resistance forces.

KHAO-I-DANG PROCESSING

The delegation visited the holding center at Khao-I-Dang, the largest and only remaining holding center for Khmer refugees. This center, which once held more than 150,000 Khmer, had a population of under 25,000 registered refugees plus about 4,300 Khmer holding ration cards at the time of the visit. The ration card holders are Khmer who entered the camp illegally but were given food ration cards as a result of an "amnesty" declared by the Thai Government in August 1984. It is estimated that another 5,000 to 7,000 persons have entered the camp illegally since last August. These "illegals" do not receive rations, and periodically the Thai security forces make an effort to apprehend and remove them to the displaced persons camps.

There is a security problem at Khao-I-Dang. In recent months, armed groups from the resistance forces have entered the camp where they have reportedly raped, robbed and even murdered refugees. Security has been a problem in the past, but it became more serious as a result of the destruction of the resistance bases along the border and the subsequent movement of 48,000 border Khmer

to an evacuation site adjoining the Khao-I-Dang camp. The UNHCR is responsible for protection at Khao-I-Dang, and his representative in Bangkok reported that measures are being implemented to provide greater protection. Another security fence is being erected. Guard duties are being reorganized within the camp and patrols have been increased. An alarm system has been installed as well as communications equipment to direct enforcement activities. The refugees themselves are forming security patrols. The Thai Supreme Command (the military force responsible for security along the border) is, for the first time, patrolling inside the camp. These steps are indeed necessary and reasonable.

The Thai Government completed the registration of the Khao-I-Dang refugees in 1983, and the United States began to review refugee cases to determine those eligible for the U.S. refugee program. Using primarily the categories of our priority system, the United States has selected for resettlement *all* of those Khmer who have family in the United States or have other associations with the United States. As the processing of the refugees for which we had a special interest drew to a close, there was great pressure placed upon the State Department to process the balance of the camp population for resettlement in the United States. As a consequence, all persons in the camp were fully considered, and those now being processed have no relatives in the United States nor were they associated in any way with our involvement in Cambodia. Nevertheless, all will be screened and many who were initially rejected will be reviewed.

U.S. refugee officials estimated that the processing of the remaining 25,000 registered refugees would be completed by the end of June 1985. They further estimated that 12,000-14,000 Khmer who do not qualify for resettlement in the United States would remain at the conclusion of the process.

A major issue at Khao-I-Dang is the future of this "residual population" not accepted for third country resettlement. As mentioned, it is estimated that between 12,000 and 14,000 Khmer will not qualify for the U.S. program. Although other countries may accept some of these persons for resettlement, it is likely that a sizeable population will remain at Khao-I-Dang. Thai officials advise that this population will be transferred to an UNBRO camp of their choice pending eventual repatriation. While the principle of non-refoulment must always be considered, there is no significant difference between the remaining Khmer in Khao-I-Dang and the 240,000 displaced persons now occupying evacuation sites within Thailand.

Another issue at Khao-I-Dang is the situation of the 4,300 ration card holders who have not been registered as refugees. If these card holders are to be processed, certain efficiencies could be accomplished by processing them while the large force of EAO's and INS officers is still at Ban Thai Samart.

KHMER SCREENING PROCESS

The processing of the residual Khmer population in Khao-I-Dang, those in the lowest category of our priority system, has resulted in some criticism of State Department and INS efforts to screen out

those persons who had associations with the Khmer Rouge during the Pol Pot era. There have been accusations of arbitrariness, unnecessary delays, and the "unfair" labeling of refugees as "Khmer Rouge" in the screening process.

The delegation visited Ban Thai Samart, the site of refugee processing operations for Khao-I-Dang refugees. At the time of the visit, there remained approximately 21,000 cases to be reviewed. It was estimated that two-thirds of these remaining cases would be rejected for resettlement in the United States. Under U.S. law, those who themselves participated in political persecution are not admissible to the United States. U.S. law further places the "burden of proof" upon the applicant in all immigration and refugee cases. Great difficulties are involved in determining precisely what transpired in Cambodia from 1975 to 1979. There were few reporters or other Western observers in the country after the Pol Pot takeover, and most of the information known to the Western world comes from the refugees themselves.

Most of the rejections result from the applicants' failure to give a credible account of their activities during the Pol Pot era. While documents are not required and many misstatements are overlooked, the applicant's story must be credible. The applicant whose account displays basic, unexplained major contradictions will be denied. He or she has not then met the burden of proof.

The United States employs a two-step process to determine the activities and associations of applicants during the Khmer Rouge administration of Cambodia. The refugees are usually interviewed first by a State Department Ethnic Affairs Officer (EAO). There are six EAO's working at Ban Thai Samart. The delegation observed several EAO-refugee interviews and found the EAO's to be knowledgeable of the geography of Cambodia and of the history and activities of the Khmer Rouge. The EAO's were businesslike, thorough, careful and well-prepared. The interviews often lasted as long as 2 hours and manifested the concern of the EAO's to find the facts in as careful a manner as is possible. The techniques used to examine possible Khmer Rouge affiliation appeared to be fair and reasonable.

The EAO's notes on the interviews are then provided to the INS. The INS also has six officers participating in the screening process at Ban Thai Samart. They interview the applicants after the EAO interview. These officers also appeared to have a well grounded knowledge of activities in Cambodia during the Khmer Rouge administration. The delegation observed several INS interviews and found the interviewing process to be rational, dispassionate and objective.

A review process is provided and utilized. In those cases involving a rejected applicant with close family in the United States who believes the screening process has erred in his case, a review should be readily available. At the same time, however, there is no cause to review cases in which there is no indication of improper practices or procedures.

Given the inherent difficulties in making such final determinations, it would appear that the U.S.-screening process at Ban Thai Samart is as fair, compassionate and effective as one could expect to witness under all of the circumstances.

RECOMMENDATIONS

The Khmer displaced persons now occupying temporary evacuation sites within Thailand should not be processed as refugees for third country resettlement. First, a substantial number of these civilians are not "refugees", in either the legal, or the commonly-accepted, sense of the word. Many move back and forth from the Cambodian interior to the border with ease and impunity, residing on the border primarily for the food and medical assistance provided by the international community. While not being subject to political persecution in Cambodia, they plainly prefer life in the UNBRO camps to living under the new social order and Vietnamese occupation in Cambodia. Second, the population of the border camps has been as high as 500,000 in recent years. The "magnet effect" of processing the present population for resettlement as refugees would almost certainly draw hundreds of thousands, perhaps even a million or more, to the border. Third, our experience with the Khmer in the holding center at Khao-I-Dang has taught us clearly that once we begin the processing of even a particular segment of a population as refugees that there are tremendous pressures then exerted in the United States to continue such processing until the entire population is processed for resettlement. Fourth, large-scale third country resettlement of Khmer runs counter to the remarkable efforts of those who are working and fighting for an independent and democratic Cambodia. In relationship to the Khmer Rouge faction, the two non-communist resistance groups are already small and have been purged of the trained and educated leaders which they most certainly will require if they are to succeed, and ultimately if they are to govern.

There are, of course, those persons among the border Khmer who have close relatives in the United States. Procedures can, and should, be developed to enable these persons to be processed as immigrants under our immigration laws.

UNBRO is doing an excellent job of providing humanitarian assistance on the border, and we should continue to provide generous support to that operation. Recent efforts in the U.S. Congress to provide direct aid to the non-communist resistance forces along the border can be in our interest only if such additional funding is funneled through UNBRO and is used for the education of the school-aged children and the training of adults in the administrative skills which will be required to create a structure of government in a free Cambodia. Direct military aid would be most inadvisable and would probably only serve to insure that all of those receiving the benefit of such aid would then have a claim to refugee status in the United States based upon their military association with us. Other countries in the area can and will provide the military assistance; the United States should contribute only food, medical, educational and other humanitarian assistance.

A decision should be reached on the disposition of those persons at Khao-I-Dang who have been issued ration cards. If these card holders are to be processed as refugees, the processing should be instituted before the conclusion of the current Khao-I-Dang processing and the departure of the EAO's and INS officers from the processing center.

At the conclusion of the Khao-I-Dang processing, the residual population which does not qualify for third country resettlement should then be transferred to a Khmer evacuation site of the individual's choice in order to join the other displaced Khmer awaiting repatriation. The Thai Government has offered assurances that the Khmer displaced persons in the evacuation sites may remain at the sites or in the border camps for as long as may be necessary to ensure safe repatriation to their homes in Cambodia.

LAO REFUGEES

HIGHLANDERS

Anti-communist highland Lao, primarily Hmong and Hmien, were associated with U.S. military efforts in pre-1975 Indochina. The Hmong, particularly, resisted the Lao Communists from their rugged mountain redoubts. Since 1975 the Communist Lao government has carried on a military campaign intended to control dissident elements, and some Hmong have been forcibly resettled in lowland areas of Laos, while many thousands of others have fled to Thailand as refugees. Charges that chemical weapons were used against Hmong villages during this campaign have been supported by a considerable body of evidence.

About 53,000 highland Lao are in three refugee camps in northern Thailand. The delegation visited the largest camp, Ban Vinai, which has a population of about 43,000. The camp has the appearance and many of the problems of a large traditional highland village. A cultural center and a small market display the handiwork of the refugees and their attempts to preserve the Hmong heritage.

Problems abound. Sanitation is a problem in the camp. Education is a problem. There are health problems, both physical and mental, and the suicide rate is high. The use of opium, the primary cash crop of the Hmong while in Laos, has become a major problem in the camp. A particular phenomenon of Ban Vinai is the extraordinary fertility rate of the women—5.9 percent. There are an average of 1,255 births per year in the camp, possibly reflecting a concern for survival after the discrimination, forced relocation and chemical warfare which they faced in Laos.

The Hmong have been the most difficult of all Southeast Asian refugees to resettle. General and pervasive illiteracy, a lack of any familiarity with the West and a strong attachment to traditional values and ways of life have resulted in extremely high welfare dependency rates in the United States. Although there are major concentrations of Hmong in California, Wisconsin, and Minnesota, resettlement is now much reduced—a total of 3,000 were resettled in 1983 and 1984—limited primarily to family reunification cases. These refugees have little interest in third country resettlement, the resettlement agencies do not view resettlement as a desirable solution, and the government of Thailand indicated to the delegation that it was willing to continue the status quo with regard to the highland Lao now in Thailand. Further, Hmong leaders expressed their interest in returning to the mountains of Laos as soon as safe repatriation is possible.

RECOMMENDATIONS

Native literacy programs should be developed for Ban Vinai and the other Highlander camps. For those refugees who are to be resettled in the United States, a greater effort must be made to teach them English at the refugee processing centers.

New approaches should be developed to encourage participation in the education programs now in place, and new programs, including vocational education, should be considered.

We should provide strong support to the UNHCR in its efforts to encourage the use of sanitation and medical facilities at the camp, and to convince the Hmong leaders of the importance and safety of the various inoculations which are available to the refugees. Perhaps assistance could be obtained from refugees who have already been resettled in the United States and who have become more familiar with the use and benefits of educational and medical services. They need to share those experiences with their people in the camps in Thailand.

We should support the opium detoxification program which was being considered at the time of the delegation visit to Ban Vinai. We should not consider third country resettlement for this population, except to reunite close family members. The refugees' lack of interest, the signal lack of success in earlier resettlement efforts, and the Thai government's expressed willingness to continue to provide first asylum mitigate against any further U.S. resettlement program.

LOWLAND LAO

The new Lao government in 1975 set about transforming Laos into a "socialist state." The government security measures imposed included the arrest and incarceration of thousands of members of the previous government and military in remote prison camps called "seminar" or "re-education" camps.

Deteriorating economic conditions and government attempts to enforce rigorous political control measures prompted an exodus of lowland Lao as well as Hmong tribespeople. More than 10 percent of the population of the country is estimated to have sought refugee status abroad.

Most lowland Lao refugees entering Thailand are now placed in the Na Pho camp in northeastern Thailand which the delegation visited. At the time of the visit the camp population was approximately 30,000, an increase of 14,000 during the last 12 months. The camp is part of Thailand's humane deterrence program which was designed to discourage migration from Laos by providing austere camp conditions and decidedly limited, as well as delayed, opportunities for resettlement.

According to camp officials and other observers, many of the new arrivals are economic migrants and draft evaders. The population is dominated by single young men as well as family members who may sometimes decide to join them later, after camp conditions have been tested. There are also members of the former government and the present opposition who have legitimate fears of persecution from the current Lao government. Others have fled with

the hope of being reunited with family members who have resettled in third countries.

Joint Voluntary Agency (JVA) case workers and the Refugee Office have compiled a list of some 3,300 cases representing refugees with "close ties" to U.S. policies, activities and programs, or with close relatives in the United States. The list has been properly submitted to the Thai Government with the request that these people be processed for the U.S. refugee program.

The most serious problems in the camp result from the overcrowding caused by the new wave of refugees in 1984. This new, increased flow of lowland Lao came at a time when (1) the United States began processing refugees at Na Pho for resettlement in the United States, (2) the Communist government in Laos levied new taxes, and (3) a new military conscription was begun in Laos. All three events undoubtedly contributed to the out-migration, but it is generally believed that the prospect of U.S. resettlement was the primary cause. The pull factor created by the U.S. refugee resettlement program simply cannot be underestimated.

The camp is seriously overcrowded, but Thai authorities have banned all construction in the camp after refugee-financed building projects threatened to expand the camp beyond its boundaries and into Thai farmers' fields. Education and community buildings have already been taken over for housing. New arrivals have been forced to find their own places among the already established population, and at the time of the delegation visit, many refugees were seeking shelter wherever they could find it, such as on the loading dock of the rice warehouse.

The crime rate in the camp is climbing and camp officials attributed this to the fact that there are in the camp 5,000 to 6,000 single Lao men, from 15 to 25 years old. There is little to occupy these men in the camp, and tighter restriction on resettlement opportunities does contribute to the general frustration. Two murders had been committed in the camp within 2 weeks of our visit.

Organized education programs have all but disappeared in the camp and the health care system, very basic to begin with, is in danger of indeed being overcome by the influx of persons. The International Rescue Committee was constructing additional latrines at the time of the visit and was seeking to expand the original water system which had now reached its capacity. UNHCR was working to expand the present Save the Children medical program to include a separate outpatient clinic.

The camp has an active market of its own and there is relatively free trade with the nearby village. Payments from U.S. relatives are cashed in the camp bank and spent at the market, beauty and barber shops, tailors and other shops.

RECOMMENDATIONS

As soon as it is permitted by the Thai authorities, the Refugee Office should begin processing those Na Pho refugees on our list—those in which the United States has a special interest. However, this processing must be undertaken with special care to avoid a magnet effect which could draw a new flow of economic migrants from Laos.

Earnest efforts must be made to re-establish education programs in the camp. A particular effort should be made to provide programs of a range of interest to the large population of single males in the camp.

To reduce the camp population as well as the frustration level within the camp, voluntary repatriation should be immediately explored for those who do not qualify for third country resettlement. During the last four years, most observers have agreed that safe repatriation to Laos is more feasible than repatriation to Cambodia or Vietnam. The UNHCR should be fully supported and encouraged to more aggressively seek the repatriation alternative.

VIETNAMESE ORDERLY DEPARTURE PROGRAM

The flood of boat people from Vietnam in 1978-79 gave rise to an effort by the international community to find a humane program designed to control the flow of people from Vietnam. The Orderly Departure Program (ODP) was developed as a more humanitarian means of departure for persons who might otherwise risk the trip in open boats. In addition, the program was seen as an adjunct to a policy of deterrence by the Vietnamese authorities to slow and, hopefully, stop the flow of boat refugees which had become embarrassing to Vietnam and which was also straining the facilities of the asylum and resettlement countries.

The Memorandum of Understanding signed in June 1979 by the Socialist Republic of Vietnam and the UNHCR provided for this legal departure of people from Vietnam. Subsequent agreements provided for the exchange of lists between Vietnam and the receiving countries. These lists would contain the names of persons of special interest to the receiving countries, and the names of persons the government of Vietnam wished to deport.

After a slow beginning the ODP has assuredly gained momentum. Seventy-eight thousand persons have left Vietnam through the ODP since the program began—31,000 to the United States and 47,000 to 28 other countries. The current rate of departures from Vietnam to the United States is about 1,000 persons per month.

However, the ODP has not resulted in the long sought after elimination of the boat departures from Vietnam. Although there has been some reduction, it has been a slight one—1,230 arrivals in Southeast Asia by boat in March 1985 as compared to 1,419 in March 1984.

The ODP office provides to the Vietnamese authorities a "priority list" of cases in which the United States has a particular interest, such as American citizens, Amerasian children, former political prisoners, and former U.S. Government employees. Nevertheless, it is an anomaly and irony of note that most of the persons coming to the United States through the ODP are chosen by the Vietnamese. The Director of ODP advised the delegation that he "did not have statistics" on the percentage admitted to the United States from our priority list, but it is believed to be small, probably less than 30 percent. ODP appears to have become a Vietnamese program utilized by that country to rid itself of certain unwanted segments of the population who have the ability to pay bribes to assure that they get on "the Vietnamese list." Most of those are ethnic Chinese merchants and businessmen whose entrepreneurial proclivities are held to subvert the socialist system, or they are Amerasian children and their relatives.

In 1982 the Subcommittee on Immigration and Refugee Policy, responding to humane calls for legislation to address the plight of Amerasian children in Southeast Asia, held hearings on proposed

legislation. The proponents of the legislation described the tragedy of discrimination endured by orphaned or abandoned Amerasian children since there was no way, under current law, for them to come to America. Legislation therefore was proposed, and subsequently enacted, which would then permit these children to be brought to the United States for resettlement by a sponsor who would be financially responsible for the Amerasian child for 5 years. The legislation permitted the admission of such Amerasian children to the United States as immigrants—the sons and daughters of U.S. citizen fathers.

Regrettably this very specific and directed legislation has been used very little in Vietnam; instead, Amerasian children are being brought out of Vietnam under the ODP as refugees. They are usually accompanied by their mothers and half-siblings. In 1984 over 880 Amerasian children who were accompanied by 1,100 relatives came as refugees, and 21 came as American citizen children. The private sector sponsorship, which was supposedly an integral part of the legislation designed to reduce Federal costs, is not being used. Discrimination is now being construed as persecution, and the Refugee Act is used, or rather misused. Amerasian children have now become simply a ticket to America for family members, and there were reports in Thailand that this has even led to the sale of Amerasian children to Vietnamese buyers who then pose as parents in order to obtain entry to the United States.

In his thorough testimony at the 1985 Annual Consultation on the Admission of Refugees, Secretary Shultz announced a new ODP sub-program for current and former political prisoners and specified family members. These people, many of whom are in "re-education camps," have not yet been released by the Vietnamese for departure under the ODP. It was expected that about 3,000 such persons would leave Vietnam in fiscal year 1985 under this sub-program. The Vietnamese authorities have refused to release any of these people until Vietnam receives "guarantees" from the United States that none will later participate in activities against the Vietnam government.

RECOMMENDATIONS

It is time for a most careful review and restructure of the ODP, and a redefining of its purpose, and its accomplishments.

ODP appears to be working well in providing a means for some small number of immigrants to leave Vietnam to join relatives in the United States. This is entirely appropriate. Yet it is not the purpose of the ODP to allow everyone possible to come out of Vietnam. It is only those refugees in whom we have a special interest who should come to the United States under ODP, not those which the Vietnamese Government has a "special interest" in expelling from their country. A majority of the people coming to the United States under the ODP, certainly no less than 50 percent, should be on our priority list. If this cannot be clearly negotiated with the Vietnamese authorities, then we should reduce our participation in the program. In September 1984, the Committee on the Judiciary responded to the Administration's ODP proposals with the caveat: "We assume that these new Orderly Departure initiatives will con-

tain controls sufficient to ensure that the program will meet American objectives rather than primarily those of the sending state." The present program has not contained these controls.

Those prisoners in the "re-education camps," held because of their former association with the United States and its policies, are refugees in which we do have a special interest and who would be ideal candidates for the ODP. The United States should continue to vigorously negotiate for the release and resettlement of these political prisoners.

The Amerasian program should be reviewed. First, it has become something quite different from what was envisioned by Congress when the Amerasian legislation was processed in 1982. Second, it has resulted in the similar and now all too familiar contortions to which the Refugee Act has been subjected in our Southeast Asian program in recent years. Congress passed the Amerasian legislation because the discrimination which these unfortunate children experienced in their home countries did not constitute "persecution" under the Refugee Act. Nevertheless, the Amerasian children and their relatives are now being admitted as persons with a well-founded fear of political persecution. Further, Congress did in no way contemplate that the Amerasian children legislation would result in the admission of two family members—each taking a refugee number—for each Amerasian child. We do have a very special interest in certain Amerasians who need the care, support and new life they can receive only in America. It is not as clear that we have a special interest in bringing all Amerasians and their families to the United States.

VIETNAMESE REFUGEES IN HONG KONG

Since 1975, about 100,000 Vietnamese boat refugees have arrived in Hong Kong. All have been given asylum by the Hong Kong Government. The largest group, more than 66,000, arrived in the first 7 months of 1979. Twenty-seven percent of those 1979 arrivals were Vietnamese. However, of the arrivals since 1980, 98 percent have been ethnic Vietnamese, and 43 percent of those who arrived in 1985 came from North Vietnam.

The rate of third country resettlement of Hong Kong refugees has been falling—from 37,500 in 1980 to 3,700 in 1984. Since 1975 the United States has resettled a total of 51,000 boat refugees from Hong Kong, or more than 58 percent of all those resettled. The United States continues to be the main resettlement country, although the number we have resettled has been reduced from more than 16,000 in 1980 to about 300 in 1984. The United Kingdom has resettled a total of about 12,200, approximately 12 percent of all those resettled.

The Government of Hong Kong reacted to the reduction in third country resettlement by instituting a "closed camp" policy designed to deter boat arrivals. New arrivals are now detained in the closed camps where they are not permitted to seek outside work and are subject to the discipline and control of the camp administration. Visits are regulated and are limited to relatives and close friends.

Most of the refugees who arrived before the closed camps were established in 1982 are in UNHCR camps. Of the 11,200 Vietnamese refugees in Hong Kong at the time of the delegation visit, 5,700 were in UNHCR camps, 4,900 in closed camps and 600 in other Hong Kong Government-controlled camps.

Hong Kong now has the largest population of Vietnamese boat people in Southeast Asia. Hong Kong Government officials pointed out to the delegation that in 1983, 7 percent of all Southeast Asian refugees resettled in the United States were from Hong Kong, whereas in 1984 only 3 percent of the Southeast Asian refugees resettled in the United States were from Hong Kong. They indicated that any further cutback in U.S. resettlement numbers would be "disastrous." It was pointed out to the Hong Kong officials that the United States continues to take many times the number of refugees for resettlement as does the United Kingdom and that the United Kingdom might well establish more of an example for the other resettlement countries. Further, relatively few of the refugees in Hong Kong have ties to the U.S. Government or have family resettled in the United States.

RECOMMENDATION

Of all the Southeast Asian countries of first asylum, Hong Kong is the most uniquely situated to explore and institute a Vietnamese repatriation program. The United Kingdom maintains diplomatic relations with Vietnam, a significant number of the Vietnamese in first asylum in Hong Kong are North Vietnamese, and the absence of large third country resettlement opportunities is a strong motivation for Hong Kong to seek safe voluntary repatriation. The United States should offer strong support and encouragement to the British Government to institute repatriation negotiations with the Government of Vietnam. Repatriation is the historical first and best durable solution to most refugee situations, but it is one which has been little used in Southeast Asia. As long as large-scale third country resettlement is available, countries of first asylum and the UNHCR have little incentive to energetically seek voluntary repatriation opportunities.

CONCLUSIONS AND POLICY RECOMMENDATIONS

After a 10 year refugee "emergency," the Southeast Asian refugee resettlement program is drawing to a close. Since 1981 the State Department has assured the Congress, during the annual consultations, that the emergency was nearly over and with but another year or two of high admissions numbers, the problem could be "managed." Nonetheless, refugee admissions from Southeast Asia continued at a high level as we undertook to process virtually every single Khmer and Vietnamese who arrived in Thailand.

We have finally finished this humanitarian effort. The remaining 25,000 Khmer refugees at Khao I Dang will be processed by the end of June, and those who qualify for the U.S. program should be in the refugee processing centers by the end of this fiscal year.

There are approximately 3,300 Lao refugees in the Na Pho camp who are of "special interest" to the United States, and we have asked the Thai authorities to allow us to begin processing that group for our refugee program.

Upon the conclusion of the processing of these two remaining groups, we must resist the temptation to consider third country resettlement as the "only alternative" available for persons leaving their homelands in Southeast Asia.

The 240,000 Khmer displaced persons in Thailand have not been registered as refugees by the UNHCR for third country resettlement, and we should not urge the UNHCR to do so. We—with the full support of the international community—should do what we all can to avoid military attacks on civilian camps, but this can be done quite appropriately by separating the civilians from the fighting forces rather than by resettling the civilians in third countries. To preserve the possibility of an independent, free and democratic Cambodia, as well as to preserve a generous U.S. refugee program with strong public support in our country, this group should not be processed for resettlement in the United States.

We have reached a crossroads in the program. We must now take a two-pronged approach in Thailand—refugee status for those who "threw in" with us in Southeast Asia and who have suffered imprisonment and other political persecution because of that association; and for those with family in the United States we must use the immigrant visa process.

The fact that the former large-scale refugee resettlement program is ending does not mean that the out-take of Southeast Asians from Thailand will cease. There are many persons among the displaced Khmer and the lowland Lao who have family members in the United States. There are also some among the highland Lao with United States family members. These persons can be appropriately brought to the United States under our present immigration laws.

The effective and reputable voluntary agencies in the United States can and should participate in this changeover to an immigration program. The experience and expertise of the EAO's can be used to assist in compiling the files on family history necessary to establish eligibility under our immigration laws. As the refugee program comes to a close, this expertise may well be lost if immigration processing programs are not established now.

In the United States, the stable and consistent voluntary agencies should assist the refugees that they sponsor in adjusting their status to permanent resident alien as soon as is possible. They should provide advice and assistance to the permanent residents in petitioning for their relatives abroad. Further, these voluntary agencies should encourage and assist the former refugees to seek naturalization as soon as possible in order to enable them to petition for their brothers and sisters in Southeast Asia. The State Department should obtain assurances that this service will be provided by *all* voluntary agencies with whom they contract for refugee reception and placement grants.

An immigration program should also provide additional impetus to the efforts of the voluntary agencies, the Office of Refugee Resettlement, and the State and local governments to assist the refugees in reaching early self-sufficiency. To avoid the likelihood of their immigrating relatives becoming a "public charge," it will be necessary for the petitioning relative here in the United States to be employed and self-sufficient. This in turn will reduce the current high cost of U.S. refugee resettlement and should generate greater public support for what we know to be a most generous refugee program.

In recent years it has become apparent that the "priority categories," rather than the statutory definition of "refugee," has been a principal determinant in selecting Southeast Asians for resettlement in the United States. Perhaps the time has come to review and revise the priority categories that are used in processing refugees; but, in any event, we must return to the proper procedure of first determining that the person is indeed a political refugee, before using—or misusing—the priority categories to determine which of the refugees have special interest to the United States.

During the delegation's meetings with Thai Government officials, both the Secretary General of the National Security Council and the Foreign Minister spoke enthusiastically concerning the House Foreign Affairs Committee proposal to provide \$5 million in military assistance to the two non-communist resistance forces in Cambodia. While providing assistance to the non-communist groups is desirable, it is strongly felt the assistance should not be in the form of military aid. There is a desperate need for schools and education in the border camps. Tens of thousands of Cambodian children are attaining maturity without even a primary education. There is a severe shortage of trained and educated leaders which are certainly to be required if there is to be a free and independent Cambodia. We should fully direct our aid to this type of humanitarian assistance.

This aid should be channeled through UNBRO, an international organization which has received high marks for its organization and effectiveness in the border camps.

Providing direct military aid would be a most unfortunate step for several reasons. First, not \$5 million, nor \$15 million, nor \$50 million, nor ten times that, will be sufficient to ensure the military success of the Cambodian resistance. They cannot win by force of arms. They will lose a military confrontation. A political settlement is required and demanded. Second, whether \$5 million of military aid makes any difference in the resistance movement, or not, we will have only then committed ourselves once again in a manner which will ensure that all who have accepted our military assistance will have a similar claim as do present Southeast Asians to refugee status in the United States. Third, other countries in the area who support the non-communist resistance fighters can, should, and are able to supply any military assistance. We should not "Americanize" a military conflict in any possible way.

Because we do not maintain diplomatic relations with Vietnam or Cambodia we are seriously handicapped in our search for a political solution. We find ourselves in the grip of a "Catch 22" situation—we will not talk with Vietnam until they remove their troops from Cambodia, but we cannot help negotiate the troop withdrawal without talking with them. There are many and sound reasons to break this cycle, and to begin to talk directly with the Vietnamese about the deep issues in that area of Southeast Asia that so rightfully concern us.

APPENDIX

REFUGEE AND MIGRATION PROBLEMS IN SOUTHEAST

ASIA: 1984

A STAFF REPORT PREPARED FOR THE USE OF THE SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY, COMMITTEE ON THE JUDICIARY, U.S. SENATE, NINETY-EIGHTH CONGRESS, SECOND SESSION, AUGUST 1984

(NOTE: The following report was prepared earlier by the Subcommittee's Minority Counsel at the request of Senator Edward M. Kennedy, Ranking Minority Member. It is based upon a field study in July 1984 for the Subcommittee's consultations on the U.S. Refugee Program held in September 1984.)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 1984.

MEMORANDUM OF TRANSMITTAL

To: Senator Edward M. Kennedy, Ranking Minority Member, Subcommittee on Immigration and Refugee Policy, U.S. Senate.

From: Jerry M. Tinker, Minority Counsel.

At your request, I conducted a three week field investigation of the continuing Indochinese refugee program in Southeast Asia during July—to update the last Subcommittee staff report on the problem submitted in 1981.¹ As then, this was to be completed prior to the formal consultations the Judiciary Committee must conduct under the terms of the Refugee Act on refugee admissions for the coming fiscal year.

Although the originally scheduled participation on the trip of the Majority Counsel, Richard Day, was not possible, I did undertake travel to the areas covered in the Subcommittee's last staff report—namely, Hong Kong and Thailand—as well as to the Refugee Processing Center in Bataan, the Philippines. In addition to extensive visits in the field to refugee camps, I held lengthy consultations with senior officials of the countries of first asylum, with officials of the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the U.N. Border Relief Operation (UNBRO), the Intergovernmental Committee for Migration (ICM), and with the many voluntary agency personnel throughout the region. I also met with U.S. Embassy and U.S. Immigration and Naturalization officers in the field as well as in Geneva and Washington.

The following is a report prepared prior to the consultations which reflects my findings and recommendations.

DIGEST OF RECOMMENDATIONS

1. Continued admission of refugees

There are still many thousands of refugees in Southeast Asia, or still fleeing Indochina, with strong family and other ties to the United States. There can be no question that we must continue for the foreseeable future a refugee resettlement program for these cases. Weighing the several different objectives of our program—foreign policy interests in the region; our humanitarian concerns for the refugees; and to deal with the backlogs in the field—the admissions level for next year should not be substantially reduced from the 50,000 ceiling this fiscal year.

¹ See "Refugee Problems in Southeast Asia: 1981", A Staff Report, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, January 1982.

2. *Coping with the flow from Indochina*

Even as we continue to accept Indochinese refugees, it is time for all involved in the program to recognize that a large migratory flow has begun and to take steps to cope with it.

What started as predominately a refugee flow has slowly but clearly shifted to a migratory movement composed of some refugees, a growing number of family reunification cases, and a large number of economic migrants. The international community, and particularly the UNHCR, must begin to acknowledge this shift by developing new alternatives and new programs to cope with the flow, and not rely entirely on third country resettlement. Specifically:

- repatriation*: we must finally negotiate and implement repatriation agreements; this will require high-level and sustained diplomatic activity by all concerned governments;
- UNHCR screening*: for all future arrivals the UNHCR should screen bona fide refugees and sort them out from economic migrants; deportation, if not voluntary return, can then be considered for such migrants; and
- local settlement*: in several situations local settlement must now be accepted as the solution.

3. *Orderly Departure Program*

The United States should join with others in significantly expanding the ODP program if, in return, Vietnam begins, after negotiations, to process those cases high on the U.S. list: family reunion cases, Amerasian children, and political prisoners in "re-education camps." The U.S. program should be doubled to 20,000 numbers and ear-marked within the overall Indochina program.

4. *Release of "re-education camp" prisoners in Vietnam*

If there is a refugee group for whom the United States has the deepest moral obligation, it is those who remain as political prisoners in "re-education camps" after nearly a decade. It is long past due for this issue to receive the priority and attention it deserves at the highest levels of our government. If the Vietnamese are serious in their offer to release them, we should raise no bureaucratic obstacles to their movement immediately.

5. *Plight of the Khmer refugees*

Over 300,000 Khmer displaced persons are in Thailand, the majority encamped along the border. The apparent strategy of the ASEAN supporters of the guerrilla war against Phnom Penh, is to create a refugee buffer along the border. If we are to tolerate, if not fully support, such a policy, we must be prepared to strongly support the continued operation of the U.N. Border Relief Operation—which represents a crucial umbrella of assistance and protection to the Khmer civilian population.

In addition, we should continue to accept for resettlement those Khmer with family or other strong ties to the United States, but limit our admission of Khmer refugees in the "P-6" catch-all category.

6. *Anti-piracy program*

After a shamefully slow start, the United States must move more rapidly to help implement the anti-piracy proposals developed over a year and a half ago in a report to the UNHCR.

7. *Conclusion*

After nearly a decade of third country resettlement as the international community's principal response to the Indochinese refugee problem, the time has come to seek new alternatives and new approaches—including dealing with the root causes behind the flow. If we and the UNHCR are to avoid risking a tragic ending to what has been an extraordinarily generous international effort to deal with the Indochinese flow, we must see greater priority given to working with all governments involved in developing new options to cope with the problem.

I. FINDINGS AND RECOMMENDATIONS

Sadly, the United States and the international community continue to face a complex set of humanitarian and foreign policy issues in Southeast Asia today—nearly a decade after the war in Indochina ended. Worse still, they have hardly changed in recent years, largely because hostilities have continued in many areas and new hu-

manitarian problems have grown in the aftermath of the war. These have been outlined in repeated reports to the Subcommittee over the last decade.²

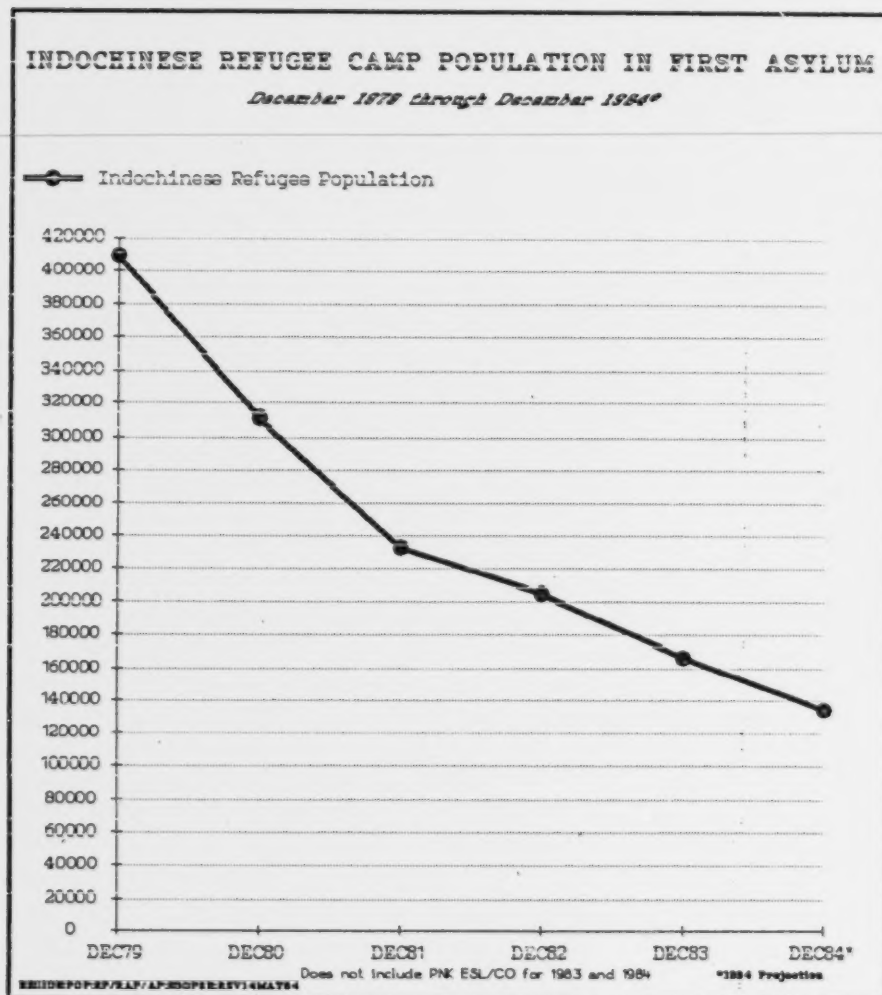
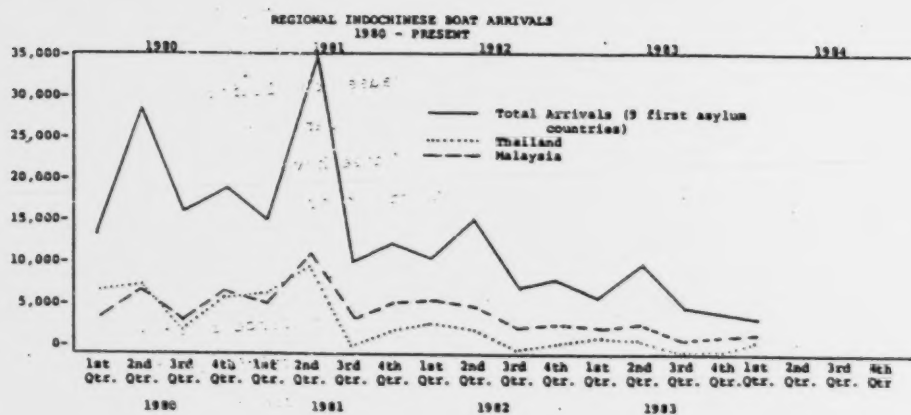
Although there has clearly been substantial progress in the last several years in meeting the many humanitarian emergencies that have developed in the region since 1975—especially in responding to the “boat people” crisis in 1979-80—the underlying problems and dilemmas remain largely unchanged.

First, the outflow of people, particularly “boat people” from Vietnam, has hardly diminished from last year—although the flow is markedly down from earlier peak periods. If present estimates continue, the flow rate from 1983 to 1984 will be down by less than 10 percent. Thus, for every 10 Vietnamese “boat people” the United States and other countries resettled last year, nine more came out this year to take their place. Next year threatens the same trend. If direct departures through the Orderly Departure Program are included in the figure, the total outflow has in fact increased—and these do not take into account the continuing Laotian and Khmer refugee populations in Thailand.

The subcommittee's last staff report warned that “we have reached a critical stage in addressing the humanitarian and refugee problems in Southeast Asia.” We “either drift along on our current course, with *the danger of institutionalizing an on-going refugee/migrant flow*, or we join with others in the international community in undertaking new initiatives and new approaches to deal with both the continuing movement of people from Indochina, as well as the root causes of this continuing flow.”³ (Emphasis added.)

² See “Aftermath of War: Humanitarian Problems of Southeast Asia: 1976”; Subcommittee on Refugees, Committee on the Judiciary, U.S. Senate, May 17, 1976; “Humanitarian Problems in Southeast Asia: 1977-78,” A Study Mission Report to the Committee on the Judiciary, March 1978; “Refugee and Humanitarian Problems in Vietnam,” Hearing, Committee on the Judiciary, August 22, 1978; and “Refugee Problems in Southeast Asia: 1981”, op. cit.

³ “Refugee Problems in Southeast Asia: 1981”, op. cit., p. 33.



Regrettably, there is little evidence since then that the United States, other resettlement countries or, more importantly, the United Nations High Commissioner for Refugees, has seriously undertaken the sustained diplomatic and other efforts necessary to find alternatives to our reliance on massive third country resettlement as the solution to the Indochinese refugee and migration problem.

Indeed, there is now mounting evidence that we may have already "institutionalized an on-going refugee/migrant flow."

An attitude has also developed that as long as there are offers of third country resettlement, new arrivals can and should be able to claim them. There is little incentive for all parties involved—ASEAN countries, UNHCR, voluntary agencies—to do otherwise as long as numbers are available and "ceilings" merely become "quotas" to be filled. The machinery to fill them is in place and well-oiled.

This dedication and efficiency in accomplishing third country resettlement was commendable when the persons coming forward were nearly all refugees—who also had strong claims upon the "humanitarian concern" of the United States.

What started out between 1975–1981 as a genuine refugee flow, has slowly but clearly shifted to a migratory flow now composed of some refugees, a growing number of family reunification cases, and an ever larger economic migrant component. Unless the international community, and particularly the UNHCR, comes to grips with this fundamental shift—unless we find alternatives for coping with this migration—we are likely to see a sad and unfortunate end to what has been, to date, a very generous and important international humanitarian effort to resettle refugees.

We will also likely see the door closed to those *bona fide* refugees who may come out in the future. If we cannot, or do not, separate refugees from those in the growing migratory stream, we will likely see a backlash to the program emerge and resettlement offers end.

And the issue of equity will also grow. Today, hundreds of thousands of legal immigrants are currently standing patiently in line around the world, waiting to join their U.S. citizen relatives in the United States. They will understandably ask why brothers and sisters—much less cousins—from Vietnam or Laos can enter the United States to join their families after only a few months, while the brothers and sisters of Filipino-American or Mexican-American citizens must wait up to 5 to 9 years. It is acceptable if they are refugees. If they are migrants, that is another matter.

In short, we must urgently act to both protect the integrity of our special refugee admissions program, as authorized under the Refugee Act, as well as protect the future acceptance of *bona fide* refugees of special humanitarian concern to the United States. Now, more than ever, we must seek ways to separate and cope differently with the refugee and non-refugee components of the on-going migratory flow from Indochina.

If we are to end the drift in our current course, we must give renewed priority and attention to the recommendations outlined in the subcommittee's 1981 report:

- (a) maintenance of adequate humanitarian assistance to meet the relief and rehabilitation needs of refugees, displaced persons, and others in need in Southeast Asia;
- (b) protection of *bona fide* refugees and provision for their resettlement in third countries;
- (c) safe and secure repatriation, under UNHCR auspices, for those who can return to their native countries;
- (d) local settlement for those whose best interest is served by remaining where they are, with appropriate assistance from the UNHCR and donor countries;
- (e) full implementation of orderly departure programs for those who seek to leave the countries of Indochina, especially family reunion cases from Vietnam;
- (f) support for renewed diplomatic efforts to resolve the conflict that is the source of much refugee movement, especially from Cambodia; and
- (g) improved relations with the countries of Indochina in order to deal directly with them in implementing orderly departure programs and in resolving problems that contribute to the flow of people, perhaps including post-war rehabilitation and reconstruction efforts, if appropriate.⁴

⁴ "Refugee Problems in Southeast Asia: 1981", *op. cit.*, p. 33.

COPING WITH REFUGEE AND MIGRATION FLOWS FROM INDOCHINA

It must be emphasized at the outset that there are still many thousands of refugees fleeing the countries of Indochina—many with strong family and other ties to the United States. There can be no question that the United States must continue for the foreseeable future a refugee resettlement program for these cases.

But this humanitarian task—for us as well as for the other resettlement countries—is going to be increasingly difficult as these refugees and family reunification cases are engulfed in a migratory flow. There are growing numbers of persons—particularly among those Vietnamese leaving their country in boats, and Laotians crossing the Mekong River—who are classic examples of economic migrants: persons leaving their native lands to find a better life elsewhere. Obviously, there is nothing new or wrong about such desires or such movements; but migrants do pose different problems, and they can and must be treated differently from refugees.

In the context of Southeast Asia, this distinction will not be easy—given the absolute refusal of countries of first asylum to consider local settlement or accepting migrants from neighboring countries. For a variety of historical and ethnic reasons, the arrival of Vietnamese is particularly troublesome for most—and Thailand has insisted from the outset it will not allow any Vietnamese to remain in Thailand, given their problems since 1954 with Vietnamese entering their country.

But there can be little doubt today that a large migratory flow has developed from Indochina, and will likely continue if new initiatives are not taken to cope with it. Neither "humane deterrance"—lengthy stays in camps—or the continued risks of the high seas has stemmed the flow. According to the most recent survey of new Vietnamese boat arrivals in Song Khla, Thailand, only "one-third gave political persecution as their personal motivation for flight from Vietnam. Fifteen percent fled to evade military service, four percent to reunite with family members overseas, and 47 percent cited economic hardship and a desire for personal advancement as their prime motivation for flight."⁵

In addition, this survey found that "the group exhibited a high awareness of the perils of piracy and the provisions of Thai 'humane deterrance' policy." Yet 47 percent risked that in the hope of bettering their lives.

This is not to suggest, as some in the INS did a few years ago, that economic factors should be given little consideration in determining refugee status. Clearly, the economic factors and motivations that many Vietnamese cite are the result of systematic persecution. There economic plight under the new government is merely evidence of this persecution.

This said, it is nonetheless true that a growing number of Vietnamese boat people are economic migrants—as a careful review of the Song Khla and other surveys document, and as any spot check of new arrivals reveals. A northern Vietnamese fisherman, who has lived all his life under the Communist government, who has no ties outside his fishing village below Haiphong, simply has no claim upon the international community just because he left his country by boat. But there he and his family sit in Hong Kong—now for nearly 4 years. Similarly, a young man from southern Vietnam has no claim to be a refugee simply because he does not want to serve in the military, especially when neither he or his family has been singled out for any particular treatment by the new government. Yet he now sits in Song Khla, Thailand, and, if things continue as they are, he will be on his way to third country resettlement—most likely to the United States—in a matter of three years, even though he has no ties to the United States or any other third country and is completely non-political. The cases go on and on.

Yet, to acknowledge this fact in the context of Southeast Asia today is to raise some extraordinarily difficult issues and problems—which perhaps explains why so many have tried to avoid or minimize them over the past 3 years.

It seems clear that the Vietnamese boat migrants cannot stay forever in the countries of first asylum. Yet, if we are to be fair to bona fide refugees, we should not move these migrants for third country resettlement. What, then, can we do with them? With the options of local settlement and third country resettlement eliminated, the only other alternative left is repatriation. This, obviously, will be extremely difficult to arrange. But, to date, it hasn't really been tried.

Despite repeated assurances by the UNHCR and others that we are pursuing repatriation, this option hasn't really been given top priority. Certainly the results to date are singularly disappointing. Except for a few thousand Laotians, there have been virtually no repatriations to Laos, Vietnam or Kampuchea. Even the UNHCR staffing in the field betrays their priorities; in Bangkok there are only a few officers

⁵ For complete text of the Song Khla survey, see Annex I.

concerned with repatriation while scores of others are busy facilitating third country resettlement and providing assistance and protection to new arrivals.

This is not to "blame" or criticize UNHCR for achieving something they cannot do alone—to negotiate satisfactory repatriation agreements without the support of governments. They will need strong diplomatic support and the involvement of all concerned governments. But, again, there is little evidence that the United States has really given any greater priority to repatriation than has the UNHCR—and neither will as long as massive third country resettlement opportunities exist.

This obviously must change—not only because third country resettlement numbers are destined to be reduced—but also in fairness to the bona fide refugees who are, in effect, being penalized because they are arriving with a migrant flow that is not being treated differently from the refugee flow. In Hong Kong, an arriving refugee will be forced to go to a prison-like "closed camp", and in Thailand to needlessly wait for years before being processed—simply because they are mixed with Indochinese migrants.

RECOMMENDATION

The time has come for the UNHCR to begin the difficult task of interviewing all new Indochinese arrivals to determine who are refugees under the United Nations Convention and Protocol, sorting out those who are migrants. Migrants must be treated differently or, in a reverse sense, the status of a refugee will be eroded since we are penalizing them for being mixed with a migrant flow. By beginning to sort out who is a refugee and who is a migrant, both the UNHCR, the countries of first asylum, as well as those resettlement countries, can more fairly deal with both groups.

But the UNHCR cannot begin such a case-by-case determination without diplomatic support, without some progress in opening up other durable solutions beyond third country resettlement, and without some assurance that it will not be left holding the bag. The UNHCR understandably cannot accept responsibility for refugees who cannot stay in countries of first asylum, without some guarantee that the other options—repatriation or third country resettlement—will be available before that responsibility is assumed.

NEGOTIATIONS FOR REPATRIATION

The time has come for the UNHCR and the international community to urgently undertake the kind of diplomatic efforts that preceded the 1979 Geneva Conference on Indochinese Refugees, which then led to the progress achieved in beginning to control the massive boat flow. Perhaps in the context of the forthcoming Executive Committee meeting of the UNHCR, scheduled for early October in Geneva, all parties involved could review the current situation in Southeast Asia with a view to adopting new policies and procedures for dealing differently with refugees and migrants. In this, the key ingredient will be the option of repatriation.

In the case of Laos, UNHCR officers should thoroughly and strictly review all new arrivals. If they did so, most observers believe only a few refugees would be accepted and the vast majority could be treated by Thai authorities as asylum-seekers for whom asylum can be denied after appropriate review with UNHCR observers. They will then be "deported", not "repatriated," back to Laos. The issue of voluntary or involuntary repatriation will simply not arise—as it does not for Pakistanis denied asylum in Berlin or Haitians in Florida (not to mention the hundreds of Salvadorans whom the United States questionably returns each month without even involving the UNHCR in the process). Some Thai officials have indicated a willingness to undertake such a procedure with the UNHCR for all new Laotian arrivals.

With Vietnam and Kampuchea the issue will be vastly more difficult and complicated. But to say a negotiated repatriation program will be difficult should not be to say it shouldn't be tried—and tried with the sustained diplomatic support and involvement of the United States and other interested countries. To date, we have seen neither.

Also, such negotiations will inevitably involve giving some incentives for Vietnam to participate, and we should be prepared to cooperate in offering them.

Finally, it would not be unreasonable for resettlement countries to condition their further resettlement of refugees on some evidence that the UNHCR is finding alternative solutions to third country resettlement for new arrivals from Indochina. Historically, the UNHCR has always stated that third country resettlement was the least preferred durable solution—that repatriation or local settlement were far pre-

ferrable. After nearly a decade of Indochinese resettlement, it is time to see some evidence that this preference is being pursued and with some tangible results.

ORDERLY DEPARTURE PROGRAM

Another promising option for coping with the Indochinese flow is the expansion of the Orderly Departure Program (ODP) which was negotiated by the UNHCR with the Government of Vietnam in 1979. Established with the goal of providing both a legal and safer avenue to leaving Vietnam than by boat, the ODP has slowly developed momentum as both Vietnam and receiving countries have given bureaucratic and programmatic support to its implementation. This year more Indochinese moved through ODP than arrived by boats in asylum countries. We should spare no diplomatic effort to assure that this trend continues. This will mean committing markedly increased resettlement numbers to ODP during the coming fiscal year.

As outlined in Table I, a total of 61,913 Vietnamese have moved to over 15 countries through ODP since 1979—with 22,525 coming to the United States as of June 1984, or nearly a third of the total. Nonetheless, a backlog of nearly a half a million applications remains piled up at the ODP office in the U.S. Embassy in Bangkok. As detailed in Table II, these applications are principally from family members in the United States, but there are many with strong and compelling ties to our country, and for whom we have the highest moral obligation to assist.

Based on numbers—both those who have been able to come out, as well as the caseload waiting in Vietnam—the ODP is succeeding and has great potential—although it has yet to completely turnoff the boat flow. However, we have reached a watershed in the program where one critical issue must be resolved or the program will fail: the composition of those coming out under the program. The issue is whether those coming out through ODP reflect the priorities and interests of the receiving countries, and not just the interests of Vietnam.

TABLE I: TOTAL ORDERLY DEPARTURE MOVEMENTS

[as of June 30, 1984]

Country	July 1979 to September 1981	October 1981 to September 1982	October 1982 to September 1983	October 1983 to June 1984	Total
United States	2,369	4,261	6,708	9,187	22,525
France	5,580	2,680	1,897	1,085	11,242
Canada	1,412	2,252	2,471	4,932	11,069
West Germany	1,065	1,214	1,306	1,484	5,069
Australia	131	15	841	1,512	2,499
Belgium	815	643	449	288	2,195
United Kingdom	298	367	656	706	2,027
Sweden	535	266	213	172	1,186
Netherlands	228	118	143	186	675
Switzerland	354	104	99	87	644
Norway	49	115	95	739	498
Italy	146	48	183	98	475
New Zealand	36	53	153	164	406
Austria	132	107	95	68	402
Others	305	230	322	146	1,003
Total	13,455	12,473	15,631	20,354	61,913

ORDERLY DEPARTURE MOVEMENTS TO UNITED STATES

Fiscal year	Citizens	Immigrants	Nonimmigrants	Refugees	Total
1980 (October 1979 to September 1980)	7	508	15	134	664
1981 (October 1980 to September 1981)	8	793	13	891	1,705
1982 (October 1981 to September 1982)	19	1,498	32	2,712	4,261
1983 (October 1982 to September 1983)	83	1,379	22	5,224	6,708
1984 (October 1983 to June 1984)	14	2,680	16	6,477	9,187
Total	131	6,858	98	15,438	22,525

The U.S. ODP Office of Embassy Bangkok has the following active cases and persons on file.

TABLE II: PROFILE OF ODP CASES PENDING IN BANGKOK

	Cases	Persons
Family reunification.....	86,298	364,705
Former USG employees.....	6,322	26,639
Former Vietnamese employees of U.S. businesses, reeducation camp inmates and releases, etc.	14,988	75,492
Children.....	6,310	23,169
Others.....	230	445
Total.....	114,148	490,450

Although accurate statistics are not available, it appears that far less than 40 percent of those who have come to the United States through ODP appeared on the lists submitted by us to Vietnam—some estimate the number is even lower. Until now Vietnam has viewed the program as a means to rid themselves of certain unwanted segments of the population—ethnic Chinese and Amerasian children.

Fortunately, there is some indication that this trend is reversing and with a little diplomatic activity and a pledge to significantly increase the numbers we are prepared to accept under the program, it appears the Vietnamese may be willing to put in place the necessary bureaucratic machinery to make ODP conform more to the interests of receiving countries. It should be made clear to them that if they don't—if family reunion and other priority cases on the U.S. list do not come out this year in greater numbers—we will have no alternative but to curtail our participation in the program. Of course, there will always be some who come out at Vietnam's insistence, but the ratio must change and reflect more the priorities of the receiving countries.

RECOMMENDATION

In order to expand the ODP program—to make it an even more attractive and hopeful alternative to fleeing Vietnam by boat—the United States should join with others in significantly expanding the program this coming year. At a minimum we should be prepared to signal our intentions to Vietnam by doubling the resettlement numbers we are prepared to take next year—from 10,000 to 20,000—and to establish this as a special category within our overall ceiling, and earmarking numbers for Amerasian children.

If, in turn, Vietnam begins processing those cases that are highest on the U.S. list, the number leaving will even be greater—since many of these are the beneficiaries of immigrant visa petitions and are not counted against the refugee ceiling.

This provides an obvious basis for negotiating with Vietnam on an expansion of the ODP program. The quid-pro-quo: the receiving countries, particularly the United States, will significantly increase the numbers we receive if they give us the people we want.

RELEASE OF POLITICAL PRISONERS IN VIETNAM

In the context of negotiations to make the ODP program work more effectively, we must finally address the plight of those persons who remain in "political re-education camps" in Vietnam and who should be the highest on our ODP list. If there was ever a group in Vietnam for whom the United States has a deep moral obligation, it is those who remain as political prisoners after nearly a decade.

Since 1982, Vietnam has publicly offered on several occasions to permit their departure. Most recently, the offer was made by Prime Minister Pham Van Dong in a May 14, 1984 interview with Newsweek magazine. But, shamefully, the United States has not responded to these offers at the highest levels of government.

Last autumn, we sent a low-level delegation to meet with the Vietnamese in Geneva to review the issue—but then only in the context of other bilateral humanitarian issues. We have yet to see any public indication we are seriously attempting to negotiate their release. If their Prime Minister is willing to publically raise the issue, the least we should do is to respond accordingly. If Secretary of State Shultz is prepared to raise the issue of MIA's, as he did recently during the ASEAN Foreign Ministers Conference in Jakarta, he should surely be prepared to mention our

interest in those held as political prisoners. The humanitarian issues associated with the living ought to be as great a concern to our government as those related to the dead.

It is time for senior officials in the Department of State to give this issue the attention and priority it deserves. We should be prepared immediately to initiate special negotiations with the Vietnamese to ascertain their intentions towards releasing those in political "re-education camps."⁶ If they truly are willing to release them, it should not be difficult to negotiate the modalities for their exodus. We should raise no bureaucratic obstacles to their movement out of Vietnam—as quarters in the State Department are now doing—even if it does mean no prior screening on an individual basis, as is normally required. If necessary they could be flown out under UNHCR auspices to the Bataan Processing Center and thier status and final destination sorted out there. With the cooperation of other countries, such as France, Canada, and Australia, it should not be difficult to process and find resettlement opportunities for the less than 10,000 persons involved. Many already have family ties in these countries, as well as the United States, and the remaining family members in Vietnam can be moved later through the ODP program.

Finally, it is inconceivable that any serious objections will be raised in Congress over the United States accepting as refugees the very people for whom the Indochinese refugee program was created to receive.⁷ During the forthcoming consultations on refugee admissions the Administration should propose an independent ceiling, to be implemented under the emergency provisions of the Refugee Act (Section 207(b)), should Vietnam agree to release these political prisoners during the course of the year. Establishing such a special category, with the approval of the Judiciary Committees, will also send a strong signal to Vietnam that the United States is willing to help resolve the plight of "re-education camp" inmates and members of their families.

To do less would be to abandon those who have the highest priority under our refugee program. They are the civilian and military officials of the former Saigon government who accepted our support. We cannot relinquish it now.

PROCESSING OF REFUGEES

Compared to the situation in the field 3 years ago, programs for the care and maintenance of refugees, and their processing to the United States, are proceeding extraordinarily well. All concerned—the UNHCR, the voluntary agencies, INS, and Embassy personnel—are to be commended for running an efficient and effective program to both assist and protect refugees, as well as to process those eligible for entry to the United States.

After a series of meetings to develop guidelines on who is a refugee and who is eligible for entry into the United States program, the problems and tensions of the past have finally been resolved. At last, officials of INS, the Department of State and the voluntary agencies are working together. The progress INS has achieved in its operation and the work of its new District headquarters in Bangkok are outstanding.

A special word of commendation is also in order for the voluntary agencies. Without the tireless work of the Joint Voluntary Agencies, the United States could never have fulfilled its humanitarian obligations to join with other nations in resettling Indochinese refugees. If we reflect upon the past 9 years, it is nothing short of a miracle that, working together, the United States has been able to process and resettle over a half a million refugees. It is a record unparalleled in recent times.

In addition to their role in the processing of refugees, America's voluntary agencies have also been key providers of relief and medical assistance to refugees throughout the region. Without the presence of voluntary agency personnel in the field—doctors, nurses, teachers, technical experts, and general helpers of all kinds—millions of Indochinese refugees would have suffered even more than they have. The United States Government owes a deep expression of gratitude for the continuing partnership we have established with the voluntary agencies—which remains a crucial link in our Nation's ability to undertake humanitarian programs in behalf of the homeless and the needy.

Finally, it is important to note the impressive progress that has been achieved in developing and operating the Bataan Refugee Processing Center in the Philip-

⁶ Note: Subsequently, the United States did offer to accept all political prisoners, but now Vietnam has retreated from its earlier offer.

⁷ See the hearings and congressional debate on the "Indochina Migration and Refugee Assistance Act of 1975," in both the U.S. Senate and House of Representatives, May-June, 1975.

piners—again, with the help of the voluntary agencies. Begun in late 1979 and completed in 1980, the Bataan Center was established by the Philippine Government in response to the call at the United Nations' 1979 Geneva Conference on Indochinese Refugees for greater international participation in coping with the Indochinese flow.

The original purpose of the Center, which was targeted to accommodate 50,000, was to help relieve the crowding and backlogs of refugees in first asylum camps. Subsequently, the Center has become part of the refugee pipeline, taking those refugees already processed for third country resettlement to give them a period of language and cultural training while waiting for their numbers to come up. In addition, complete medical and dental assistance is provided during their 6-month stay in the Center. The camp population has never exceeded 20,000.

Almost wholly funded through a grant from the Government of Japan, the Bataan Center is excelling in providing basic English and cultural programs. There are also some extraordinarily innovative job training courses available. Thus, even after only 6 months, most refugees leave Bataan better prepared to start a new life in a new land than when they arrived.

RECOMMENDATION

Phase I of the Bataan Center is now 4 years old, and the original housing for the refugees—deliberately designed to be temporary, thus minimal—is beginning to show the inevitable signs of wear and tear. This year the housing facilities in Phase I and, later in Phase II, should be rebuilt and up-graded. The costs for up-grading and expanding the facility are extremely low and well worth the expenditure.

Expansion may be necessary in the months ahead, not only to relieve growing pressures in Malaysia, but, hopefully, to accommodate the processing of political prisoners released from Vietnam's "re-education camps."

SPECIAL PLIGHT OF KHMER REFUGEES

Over 300,000 Khmer displaced persons are now in Thailand or encamped along the Thai-Kampuchean border. The flow began in early 1979 after Vietnamese forces toppled the dictatorship of Pol Pot—perhaps one of this century's bloodiest regimes. Within a matter of weeks, tens of thousands of Khmer began fleeing the Khmer Rouge and the advancing Vietnamese army.

After some 150,000 Khmer were admitted by Thailand in 1979—mostly to the Khao-I-Dang camp—the Thais became understandably alarmed over the escalating flow and adopted a policy of, first, forcibly returning them, then finally allowing them to stay in camps inside the border. From the outset, Khmer were not considered to be refugees, but displaced persons. The UNHCR became involved only with those first arrivals who were admitted to Khao-I-Dang, which they deliberately called a "holding center", where they could stay until conditions permitted their return. Subsequent arrivals came under the newly created program of the United Nations Border Relief Operation (UNBRO), which was established in 1980 to provide emergency food, medical and other assistance to the Khmer border population—which today numbers 250,000.

The present strategy of Thailand towards the Khmer is to keep them along the border and to encourage the continued operation of UNBRO. For now, they appear satisfied that this human barrier is in their national interest as a buffer to Vietnamese forces inside Kampuchea, who are fighting Khmer guerrillas who are mixed in and supported by the border population. The guerrillas are composed of the remnants of Pol Pot's bloody Khmer Rouge and the forces of Son Sann, which are supported by the ASEAN countries. Currently a stalemate exists, punctuated by annual dry season offensives and wet season sniping, with continuing civilian casualties as camps are shelled and attacked by the Vietnamese.

It is not, to say the least, a happy situation and there appears no end in sight. Until a political settlement is achieved—until those fighting inside Kampuchea, and those supporting the conflict from afar, seek a diplomatic solution, the bloodshed and the suffering will continue. As the subcommittee's last report concluded in 1981: "If the recent past is any guide, we must expect the worst, not the best for Kampuchea—unless serious negotiations are undertaken to deal with the root causes behind the continuing conflict." That is still the case, and thousands have lost their lives since those words were written, and a quarter million still sit in refugee camps along the border.

Although Thailand officially ended granting admission of Khmers after February 1980, the continued surreptitious entry from the border into holding centers—which are only a few miles from the border—prompted the Thais to undertake a one-time

registration in late 1982 and early 1983, assisted by the UNHCR. Those apprehended entering interior camps since then are forcibly sent back to the border.

Thus, only those who, by chance, arrived prior to February 1980, or were subsequently registered, have become eligible to be considered for third country resettlement. But in practical terms, there is no real difference in the characteristics or composition of the interior camp population and those along the border.

After the registration of the Khmer was completed in 1983, the United States began to screen who might be eligible for consideration in our program and who could meet our top refugee priority categories. Since 1975 we have admitted 103,000 Khmer refugees—most in the last 3 years. The total as of June this year is 13,853. Through this effort we have effectively taken all those Khmer who have family or other strong ties to the United States. The remaining population in Khao-I-Dang are all in what is called the P-6 category^a—the last, “catch-all” category of our priority system. Mostly, they are all Khmer rice farmers—as are the majority of the 250,000 Khmer camped along the border. They have no ties, relatives or connections in the United States or to our involvement in Cambodia.

But because these Khmer are by chance in Khao-I-Dang—a camp 6 kilometers inside the border—they are now being processed for admission to the United States. No one in 1980-1981, when the Khao-I-Dang “holding center” was established—would have imagined, much less proposed, that this entire camp population would be considered for third country resettlement. There was discussion of screening out those cases who had family or other ties to the United States and other countries—and that has already been accomplished. But at the time no one suggested the entire camp should be processed for resettlement.

Yet, at this very moment, the U.S. Refugee Office in Bangkok has concluded the preliminary processing for resettlement in the United States of the entire 50,000 Khmer remaining in Khao-I-Dang. Why? Because the Thais want to close the camp and move the remaining population to the border. We and the UNHCR have fallen into the trap of calling this move of 6 kilometers an example of “involuntary repatriation.” When the Thais indicated they were going to close the camp and move them nonetheless—except for those who could be resettled elsewhere—the United States began processing the residue from Khao-I-Dang. Of the 50,000 total, all but 8,000 are in the “P-6” category. Since there is no real difference between the Khmer in this category at Khao-I-Dang and the 250,000 along the border, will we soon be processing them, too?

It is difficult for many to accept that the most durable, muchless humane, solution is to transport these Khmer rice farmers to California instead of 6 kilometers to the border. It is even more difficult to see the wisdom of committing increasingly scarce refugee resettlement numbers, en masse, to resettle those in the lowest priority category in our program.

We and the UNHCR have been trapped by terminology. It is not too simplistic to suggest that if the closing and movement of Khao-I-Dang had been termed a “relocation” instead of a threatened “repatriation”, we would not now be processing this population. (After all, moving this camp is not much different from the previous closing and movements of other camps by the Thais.) This can only mortgage future resettlement numbers for future refugees in higher priorities who may have stronger ties and claims to America's attention.

RECOMMENDATION

The processing of “P-6” Khmer from Khao-I-Dang should be suspended until the forthcoming Congressional consultations. This is also warranted to review the adequacy of the screening procedures to assure that no Khmer Rouge are accepted as refugees contrary to the restrictions of our law and the United Nations Refugee Convention and Protocol. This is a serious problem which should not be treated lightly.

^a In brief, the following is the refugee priority categories used in processing Indochinese refugees; the highest categories enter first:

- P-1—admission in the national interest or in imminent danger.
- P-2—former U.S. government employees.
- P-3—with close relatives in the United States.
- P-4a—employed by U.S. businesses or agencies.
- P-4b—previously in the civil or armed services of the former governments of Vietnam, Laos, Cambodia.
- P-5—with married siblings or grandchildren in United States.
- P-6—everyone else.

Finally, if we are to tolerate, if not fully support, Thailand's policy of keeping the Khmer along the border, then we must be prepared to give stronger support to the continued operation of UNBRO. Currently it has 370 international personnel working in the field, and since January 1982 has been mandated by the U.N. General Assembly, in connection with the World Food Program, to provide a crucial umbrella of assistance and protection to Khmer on the border. But UNBRO's financing has been a continuing problem, since it has been based upon short-term *ad hoc* commitments. We should now support efforts within the international community to secure longer-term financial commitments to UNBRO.

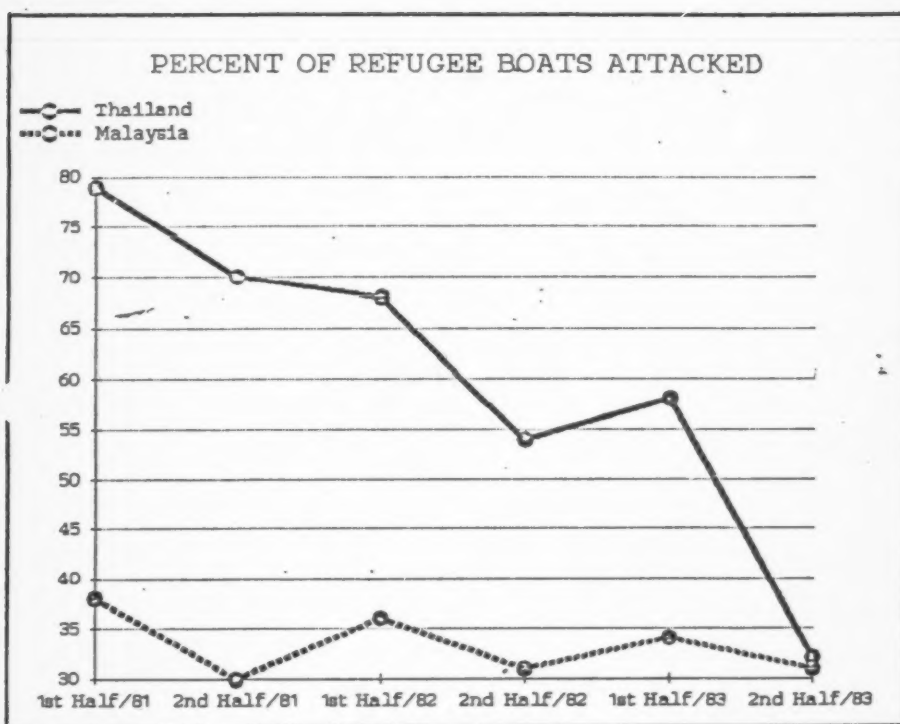
ANTI-PIRACY PROGRAM

One of the most tragic consequences of the flow of "boat people" from Vietnam has been the horrors many have encountered on the high seas from pirates who rape, kill and steal—usually doing all at the same time. For several years, their horror stories in the Gulf of Thailand were well-documented, but sadly, it took even longer for the international community and the UNHCR to be aroused in response.

Of course, apologists (and this includes the government of Thailand) say piracy is endemic to the Gulf of Thailand, and that efforts to deal with it are complicated by an inability to distinguish between pirate boats and thousands of other small fishing craft which ply the Gulf every day. They note that they are not just Thai boats (although all statistical evidence points to the contrary). And they talk of the vast area to be patrolled. All true.

Those excuses worked, for a time, even in the face of the stories being reported by the refugees, the voluntary agencies and others. But then the UNHCR, stimulated by pressure from the U.S. Embassy in Bangkok and other governments, finally began to take the issue seriously and sponsored a survey.

According to those statistics, the percentage of boats attacked by pirates in 1981 was 80 percent; in 1982, 65 percent; and in 1983, 52 percent. This year's figure is down further. But, as in the earlier declines, they probably reflect the reduced rate of boats leaving Vietnam and reaching Thailand than they do the effectiveness of the anti-piracy program.



PIRACY ATTACKS AGAINST BOAT REFUGEES ARRIVING IN THAILAND, 1981-83

	1981	1982	1983
Persons arriving.....	15,610	5,912	3,382
Boats arriving.....	455	218	155
Boats attacked.....	364	142	81
Percentage of boats attacked.....	80	65	52
Deaths/murders.....	366	153	42
Rape victims.....	599	175	95
Abductions.....	243	157	93

Source: U.S. Embassy, Bangkok.

This is due to the inexcusably slow approach the UNHCR has taken towards the problem, and the equally inexcusable tardiness of the United States in programming \$5 million specifically authorized by Congress for anti-piracy programs over a year and a half ago. These funds are only now being programmed. Both the UNHCR and the Department of State are blaming each other—as well as the Thais—for the delay; but there really are no excuses. Since as early as July 1983—in response to the special Congressional action—an “Anti-Piracy Assessment Team” had already reported its findings on how to cope with the piracy problem. Formed by the UNHCR, the team consisted of three extraordinarily qualified experts from the Royal Australian Navy, the U.S. Coast Guard, and the Norwegian Merchant Marine. But the very specific and concrete recommendations in their report are only now—a full year later—being implemented in UNHCR-approved, and U.S.-funded programs.

It is another example of too little, too late. And it comes as the boat flow to Thailand has begun to subside (even as it has increased in Malaysia, which has no anti-piracy program). We now have an anti-piracy program, but only after the plague of piracy at its worst has passed.

Obviously, the UNHCR, the United States and other governments, should continue to support this program and implement what has been proposed. We should also sustain the pressure on Thailand to pursue it more vigorously.

REFUGEE ADMISSIONS TO THE UNITED STATES IN 1985

Obviously, the principal question in the coming weeks before the annual consultations between the President and the Judiciary Committees of Congress on refugee admissions for 1985, will be the bottom-line issue of how many Indochinese refugees should be admitted to meet several different objectives: our foreign policy interests in the region; our humanitarian concerns; and, not the least, to address the needs of the refugees.

This task of setting numbers is made even more complicated by the fact that it is difficult to forecast with any real accuracy the potential resettlement needs over the coming year.

Last year, the President proposed a worldwide admission ceiling of 72,000, with the bulk—50,000—earmarked for Indochinese refugees. That was subsequently increased by 2,000, by taking some unused numbers from other regions and applying them to Indochina.

In establishing the 1985 ceiling for the admission of Indochinese refugees, we must once again seek a number that reflects the continuing resettlement needs among the camp populations in the field, and which also addresses the backlog which still exists in the field. It must also serve to reassure the countries of first asylum of our continuing concern and commitment to assist them in dealing with the problem—so they will not be tempted to close their doors to bona fide refugees. And it should reflect our desire to assist those refugees which, as the Refugee Act of 1980 stipulates, are of “special humanitarian concern” to the United States.

As noted earlier in this report, there are still many in this category in camps throughout Southeast Asia, and many more are still seeking to leave through ODP to join their families in the United States.

RECOMMENDATION

Weighing all these factors, and after soliciting the views of officials in the field, the voluntary agencies, and officials in Washington, during the coming fiscal year the United States should not substantially reduce its admissions level for Indochinese.

However, as recommended in this report, we must see this as a transition period, not only for dealing with the backlogs which remain in the countries of first asylum, but also for using the time to redirect the program in finding new alternatives to the continuing outflow of refugees and migrants from Indochina.

In addition, we should tighten the allocation of available refugee resettlement numbers to more correctly reflect our refugee admissions priorities. For example, during the coming year Congress should consider stipulating that no more than 25 percent or some small percentage, of available resettlement numbers shall be used to resettle refugees in the "P-6" category. We should not eliminate this category—it is obviously useful and important under certain circumstances, but it should not form the bulk of our admissions program—especially when it is not urgently warranted on humanitarian grounds, as is the case today among Khmers in Thailand.

Depending upon the progress achieved in the year ahead in developing new alternatives and new approaches to coping with the Indochinese flow, the United States should be prepared to join with others in considering appropriate action to deal in the future with the so-called "residue" population, which is emerging in several countries in Southeast Asia. These are persons who have not been accepted by any other country, but who have languished for many years in camps. If repatriation is not possible—given the length of time they have been out of their country—and local settlement is impossible, then we may have to consider using the "parole" authority to help resolve the problem (since they have already been rejected by INS under the refugee program). This contingency should be considered now in the context of other steps to deal with Indochinese already in countries of first asylum, even as we develop new ways to cope with the future arrivals.

Finally, as recommended elsewhere, we should earmark a special quota of the Indochinese numbers for the Orderly Departure Program—doubling the current program to 20,000. In addition, the Administration should also outline its intentions on dealing with the political prisoners in Vietnam's "re-education camps." If no admissions number can be proposed with certainty prior to this year's consultations, then the Administration should clearly be on record in support of using the emergency provisions of the Refugee Act to admit "re-education camp" prisoners should negotiations succeed in securing their release during the course of the year.

II. CONCLUDING NOTE

Today, many officials in the field—including many within the UNHCR, U.S. Embassies, and the voluntary agencies—are quietly expressing their despair over the seemingly never-ending flow of people from the countries of Indochina. Many now speak in the tones of frustration that a few years ago were heard only from the more negative leaders of Southeast Asian countries. Times have changed—even as the Indochinese flow has continued.

There also seems to many in the field no other solution than continuing third country resettlement—which means today, in practical terms, that the United States will be expected to accept more than half the future outflow. The remainder is now being divided between France, Australia, Canada and a few others. But they cannot be counted upon much longer.

Everyone in the field (as in Washington) knows that high levels of resettlement opportunities in third countries will not be available indefinitely. Yet we seem frozen—for a variety of reasons—into sustaining an on-going third country resettlement program, even though the character of the outflow has changed.

If the United States and the international community are to escape from the treadmill we are on, we will need to see some high-level diplomatic activity by all countries involved to seek other solutions. During the forthcoming Congressional consultations, the Committee should ask what senior officials of the Department of State and the National Security Council staff in the White House have done to address this issue or in proposing alternatives to third country resettlement as the U.S. response to the Indochina problem.

Concerning the Khmer problem, we seem to be acquiescing to the policy of our ASEAN allies, and the Thais and Chinese, in using Khmer displaced persons as a human buffer in support of their anti-Phnom Penh guerrilla campaign. This means one arm of the United States Government is working in complicity with those who help fuel the fighting inside Kampuchea and which produces the refugees, while the other arm pleads on their behalf and urges some be resettled in the United States.

It is time to end our indirect support for the remnants of the bloody Pol Pot regime and change our vote in their behalf at the United Nations. To do otherwise

is not only a cynical policy, but one that undermines the human rights and humanitarian principles upon which the United States stands.

In conclusion, it is obvious that the problem of Indochinese refugees and migrants calls out for new efforts and new initiatives, including dealing with the root causes behind the flow.

ANNEX I: PROFILE OF VIETNAMESE BOAT PEOPLE BASED
UPON SURVEY CONDUCTED BY U.S. CONSULATE IN SONG
KHLA, THAILAND, FEBRUARY 24, 1984

DEPARTMENT OF STATE CABLE

FEBRUARY 24, 1984.

From: Amconsul Songkhla.
To: American Embassy Bangkok.

1. *Summary:* Consulate conducted a survey of 471 Vietnamese arriving in Songkhla Camp during a 6 week period December 1983-January 1984. Nearly two thirds were under 21 years of age. Fifty-eight percent have family members resettled abroad. Nineteen of 23 boats left from Rach Gia, natives of which make up 40 percent of the new arrivals. Another 24 percent come from neighboring provinces in the Mekhong Delta. Only 18 percent were from Saigon and vicinity, a steep drop from previous figures. In-depth interviews were conducted with a representative sample of 100 Vietnamese. Average education was 7.8 years. The group exhibited a high awareness of the perils of piracy and the provisions of the Thai "Humane Deterrance" policy. As a result, the original destination of 83 percent of the interviewees was Malaysia. Refugees report that SRV control measures against escape attempts have become much stricter, with jail sentences lasting several years now instead of several months as in the past. Estimating that 70 percent of those attempting escape are caught, interviewees blame fear of arrest as the main factor in the steep decline of departing Vietnamese. Escape organizations, vulnerable to police infiltration, have diminished in importance. Two thirds of the new arrivals left Vietnam aboard boats purchased and provisioned through cooperative ventures among family and friends. Despite heightened political repression, nearly half the interviewees reported knowledge of organized resistance to the SVR. One third gave political persecution as their personal motivation for flight from Vietnam. Fifteen percent fled to evade military service, four to reunite with family members overseas. Forty-seven percent cited economic hardship and a desire for personal advancement as their prime motivation for flight. End Summary.

2. Consulate Songkhla has conducted a survey of the 471 Vietnamese boat people who arrived in Songkhla Camp during a six week period from December 12, 1983 to January 26, 1984. The 471 Vietnamese sailed to Thailand aboard 23 boats. Details of their voyage across the gulf are to be found in two consulate piracy surveys. The focus of this survey is primarily upon life in Vietnam: Who Are Those Fleeing The Country, Why And How.

3. *Basic demographic data:* Of the 471 surveyed Vietnamese, males comprised 63 percent, females 37 percent. Thirteen percent were ethnic Chinese, the remainder ethnic Vietnamese. A breakdown by age revealed a heavy preponderance of young people—nearly two thirds, 28 percent were minors under 12; 35 percent aged 13-20. The remaining 37 percent were represented as follows: 22 percent aged 21-30; 9 percent aged 31-40; and 6 percent aged 41 and over. In terms of occupations, students by far comprised the largest group, numbering 180, or 38 percent of the 471. Another 21 percent, predominately preschool children, were unemployed. The remaining 41 percent were primarily manual workers: 36 Fisherman, 26 Farmers, 26 Housewives, 7 Mechanics, 6 Hairdressers, 5 Factory Workers, 5 Bakers, 3 Drivers. Those engaged in dressmaking and market sales formed large groups of 28 and 15 respectively. There were 4 Jewelsmiths, 2 Teachers, 2 Accountants, and one each of the following: Draftsman, Cabinemaker, Radio Repairman, Musician, Seminarian, Optician, Cook, Nurse, Veterinarian, Doctor, Jet Mechanic, Steelworker, Translator. Sixteen declared pre-1975 occupations: a former RVN official, 6 former ARVN officers and 9 enlisted men. These 16 represent 3 percent of the 471 total.

4. *Factors facilitating escape from Vietnam:* As will be examined later, the interviewees revealed that SRV security measures to prevent escapes have become increasingly strict, and almost certainly more Vietnamese are arrested than manage successful escapes. Two factors characteristic of the present group of 471 undoubted-

ly facilitated their escape. One is that most have relatives overseas who provided money, advice and encouragement. Fifty-eight percent of the surveyed group have family members resettled abroad (186 with relatives in the United States, 60 in Australia, 13 in Canada, 6 in France, 7 in other countries). A second important factor is geographical proximity to favored escape routes. Rach Gia continues to function as the preferred port of embarkation, with 19 of the 23 boats leaving from that province. Not surprisingly then, 190 of the 471 Vietnamese—42 percent—claim Rach Gia as their native province. An additional 24 percent come from neighboring An Giang and three coastal provinces in the Mekhong Delta Minh Hai, Hau Giang and Cuu Long. Natives of Saigon and vicinity made up only 18 percent of current refugees. The remaining 18 percent came mainly from the central highlands—often first migrating to the far south to work as fishermen.

5. *Consulate Interview Methodology*: In order to probe more deeply into the background and motivations of individual refugees, as well as to provide a general picture of present day political and economic life in Vietnam, consulate personnel conducted a series of in-depth interviews with one hundred Vietnamese at the Songkhla Camp. Fourteen of the boat leaders were interviewed, the rest were chosen randomly on the basis of age, sex and ethnic identity, following closely the demographic breakdown of the 471 group survey. Minors under 12 were not interviewed. Interviews, lasting on average 30 minutes apiece, were based upon a prepared format of 52 questions. There being 100 interviewees, the number of respondents cited below also functions as the percentage.

6. *Educational Backgrounds*: Overall, the group of 100 Vietnamese averaged 7.8 years of education. By age the 15-20 group averaged 7 years, the 21-30 group 7.8, the 31-40 and the over 40 group 9.8 years. Sharp differences in educational attainments could also be noted by region. Vietnamese from Rach Gia averaged 7.2 years education. Natives of other Mekhong Delta provinces averaged 8.9 years. Highest educational levels were registered in Saigon and vicinity, with an average of 10 years schooling. Lowest levels, 4.2 years, came from the central highlands. Four of the 100 Vietnamese spoke English fluently, 10 could speak some English and the rest none at all. There were three University graduates, three with some University education, 153 High School graduates. Twenty-three had some High School. The remaining 62 had primary school education or less. There were two illiterates.

7. *Foreknowledge of resettlement opportunities*: A high proportion of the interviewees expressed considerable foreknowledge of the perils and opportunities of becoming a refugee. A major source of this information came from relatives living overseas. Forty-eight of the Vietnamese have close relatives resettled where another thirty-six have more distant relatives (aunts, uncles, cousins, in-laws). Only sixteen have no relatives in resettlement countries. Eighty-three Vietnamese had received letters from their relatives abroad. Fifty-nine had received money, medicine and other items which could be traded on the black market. Besides letters from relatives abroad, other cited friends (19) and VOA and BPC Radio broadcasts (9) as sources of information regarding resettlement conditions. All of the Vietnamese were aware of the perils of piracy in the Gulf of Thailand. Half knew of the existence of the Songkhla Camp. Sixty-three professed prior awareness of the Thai "Humane Deterrence" policy which severely restricted resettlement opportunities. As a result only seventeen Vietnamese were on boats which had originally charted a course to Thailand, the reason being the shorter sailing distance involved. The original destination for the remaining 83 Vietnamese was Malaysia. Fifty-one cited fear of piracy as the determining factor for this course, while forty-four gave speedier resettlement procedures in Malaysia. Five cited the better camp facilities at Pulau Bidong.

8. *SRV Retaliation*: All one hundred interviewees agreed that SRV control measures have become stricter and more efficient over the years. Intelligence networks reach all the way down to the Hamlet level. Citizens are subject to travel restrictions and must obtain police permission to venture outside their home provinces. Fishing boats departing Southern ports must submit to police inspection. Large ocean-going vessels are now all government owned and guards are placed aboard to prevent defections. Some interviewees even report that "B-2" SRV intelligence agents not only infiltrate escape organizations but even operate bogus organizations to lure disaffected citizens into arrest. Jail terms for attempted escapees have also gotten stiffer. Estimates of prison terms average close to 3 years for men, 1 year for women and over 5 years for escape organizers and boat owners. The most common estimate given by refugees is that 70 percent of those attempting escape are caught. As a result of these increasingly stringent security measures, boat departures from Vietnam have dropped sharply. Most of the interviewees cited fear of arrest as the major deterrent now to refugee flow. Another reason given by some is the deepening

poverty in Vietnam. Without money to buy boats or gold to pay an escape organization, many remain in Vietnam who would otherwise flee. Other factors cited for the reduction of boat people numbers include the paucity and diminishing size of available boats. The deterrent effect of piracy, the perception that Thailand no longer permits overseas resettlement, and the inauguration of the ODP program.

9. *Types of Escape Venture*: Of the twenty-three boat escapes in the survey, seventeen were organized as cooperative ventures among trusted family and friends. Only four originated through escape organizations, with passengers paying an average of two taels of gold (equivalent to over a thousand dollars). Two boats were predominantly organized as cooperatives but also took on paying passengers. Escape organization boats tended to be larger and capable of carrying more passengers. Their boats carried an average of 37 people, while the cooperatives averaged 15. Still, escape organizations account for less than a third of those making successful escapes. Vulnerable as escape organizations are to police infiltration, cooperatives drawn from small numbers of trusted family and friends have become the prevalent mode of escape.

10. *Political Repression in Vietnam*: Unanimous among the interviewees was the opinion that political conditions in Vietnam are steadily worsening. No criticism of the current regime is permitted and the government's network of informers has become all-pervasive. Travel restrictions are in effect. The military draft continues to exert a drain on manpower. Religious persecution—especially against Catholics and members of the CAO DAI sect—has been stepped up. Priests and nuns are arrested on often trumped up charges. Government permission must be granted for ordinations and, according to a semi Arian, no Vietnamese has been ordained since 1980. Most religious school and seminaries have been closed. Officials and military of the former regime, and their families, are singled out for especially harsh treatment: forced labor, limits on employment and education opportunities. Bribery and corruption among government cadre runs rampant, and their children are entitled to the choicest educational slots. Thirteen of the interviewees spent time in reeducation camp, ranging from several months to 8 years. They report fairly identical conditions. Eight hours of labor, clearing forests and cultivating farms, are followed by political indoctrination. Food consists of 3-4 bowls of salted rice daily, supplemented occasionally by vegetables and fish. There are no medical facilities. Conditions in camps in the north are considerably harsher. Prisoners eat no rice, but subsist on corn, manioc and sweet potatoes. A common punishment for disciplinary infractions is prolonged confinement to U-shaped rings set in the floor, often leading to permanent paralysis. Yet in the face of a pervasive Gulag system of law enforcement, resistance to the current regime appears surprisingly widespread.

11. *Popular Resistance in Vietnam*: Nearly half of the interviewees were able to give information about anti-government activity in Vietnam. Eight refugees reported armed groups operating in Rach Gia Province and an equal number reported the same for the Province of Minh Hai, with an additional four claiming that ex-ARVN soldiers returned from overseas were among those fighting. Six refugees reported armed resistance in An Giang Province, four in Dalat, two in Pleiku, and one each in Chao Doc, Nha Trang, Tay Ninh and Long Khanh. Acts of sabotage included a grenade attack against a police station in Phu Khanh and the bombing of a warehouse-ammunition dump in Chat Cadao (between An Gong and Chalidoc). Anti-government leaflets and graffiti and the display of flags of the former regime have been reported in Saigon, Rach Gia, An Giang, Minh Hai, Dalat and Cuu Long. In October 1983, anti-government handbills reportedly appeared simultaneously in four districts of Saigon. Reports of suppression of resistance groups are also not uncommon. A former ARVN Major was hospitalized after a traffic accident in Rach Gia. Documents found on his person led to the arrest of twenty others. A leader of one resistance group and several followers were executed in Hue. Two women were imprisoned in Bac Lien Province for distributing anti-government propaganda. A Colonel Vo Daiyton, formerly a resident of Los Angeles, was captured after infiltrating back into Vietnam. Put on trial and executed.

12. *Economic Conditions in Vietnam*: Once again interviewees were unanimous in decrying deteriorating economic conditions in Vietnam. Citizens are caught between the rock and hard place of an inefficient centrally planned economy and a rapacious black market. High taxes, bribes to government cadre for routine services, confiscation of property, restrictions on economic activity, artificially low selling prices, and declining utilities and transportation system are among the many complaints voiced by the Vietnamese. Interviews with representatives of twelve occupations show a repeated pattern of wide discrepancies between the private and officially sanctioned economic activity. Bearing in mind that interviewees commonly gave the figure of

3,000 Dong (50 U.S. dollars) as being the monthly income necessary to support a family of four, the following data reveals many instances of marginal living.

13. *Occupational Data:* Farmers stated that government agricultural policy varies widely from district to district. In some areas farmers who own their own land pay a 25 percent tax to the government. Fertilizer is provided on a contract basis, at two kilos of fertilizer in exchange for four kilos of harvested rice. Farmers typically sell 80-90 percent of their crop to the government at a price of 80 Dong per 20 kilo bag. The remaining 20-10 percent is sold on the open market at double the government price. In other cases the farmer owns part of his land and part belongs to the government. Fertilizer is awarded on a contract basis and the entire crop is sold to the government. At the lowest level, farmers work as laborers on government-owned land, earning a mere 70 Dong per day. Interviewees gave their income at 7,000-10,000 Dong per year, beyond subsistence in food. A similar pattern pertains to fisherman. Since 1982 all large ocean-going fishing boats have been confiscated by the government. Workers aboard these boats earn 1,500 Dong monthly. Anyone with any connection to the former regime is ineligible for offshore employment. Alternately, owners of their own small boats receive free diesel fuel from the government but must sell all their fish at low government buying prices, while meeting a catch quota. Other boats buy diesel from the government, sell back a portion of their catch but pass the remainder on to the open market. Small boats, generally outboards, are still mostly private and function totally on the open market. Fuel is bought on the black market at 26 Dong per liter (government price: 10 Dong), and the entire catch is sold at prices three to five times higher than those offered by the government. One drawback to this approach is that recurrent fuel shortages keep boats in port one week out of four. Such small fishermen estimate their monthly income from 1000 to 6000 Dong. One of the more lucrative occupations surveyed is selling medicine on the black market. Medicine in Vietnam is scarce, of poor quality, and often restricted for the use of government cadre and their families. Hence a major source of medicine has been through parcels sent by overseas relatives. The government confiscates one third of this medicine, but recipients are free then to sell the remainder. Five interviewees were engaged in this trade, reporting monthly incomes of 5000-6000 Dong. Other market sellers had widely varying incomes. A seller of straw hats made 4500 Dong, while paying only 200 Dong in monthly taxes, while a clothing shop owner made 3000 Dong but paid 600 Dong in tax. Other petty traders claimed 1800 Dong in tax free monthly income. Nine interviewees or family members were government employees. One mechanic whose shop had been turned into a cooperative made 50-70 Dong per day, depending on the number of engines he repaired. He supplemented this income, however, by working privately, charging 400-500 Dong per repair job.

Another mechanic on contract to the government made 1200 per month. The remaining government workers—a Weaver, a Welder, a Teacher, a Tailor, a Medic and two Mechanics—made small wages of 13 kilos per month at 3.5-TBW Dong per kilo. This compares to over 20 Dong on the open market. Every 4 months they also received supplemental supplies of sugar, soap, cooking oil, kerosene, meat, etc. They complained, though, that the quality of the rations was poor. Another six of the interviewees were tailors who worked at home and made 1000-5000 Dong per month without paying taxes. Two seamen working for privately owned cargo boats claimed a monthly salary of 1000 Dong, plus room and board (as compared to 500 Dong for government cargo boats). Other comparisons are: a private electrician's monthly earnings of 10,000 Dong (Government scale: 400 Dong), A Carpenter's 5000-6000 Dong (Government scale: 200-300), a Butcher's 10,000 Dong (Government scale: 350). Two former bus owners who once made 10,000 Dong per month had their buses confiscated and were reduced to working as drivers at 250 Dong monthly. A truck driver working for a private owner made 300 Dong (compared to a government employee's 80-90 Dong). One Jewelsmith claimed a 6000 Dong monthly income; two others claimed 3000 Dong. They stated that there was not yet any government competition for their form of service. One factor to be kept in mind is that interviewees were those fortunate enough to have money and/or family connections to escape overseas. Members of even lower economic strata remain in Vietnam. Saigon residents, for example, report an increase in street beggars and homeless refugees from new economic zones.

14. *Motivation for Leaving Vietnam:* Almost all Vietnamese interviewed gave economic hardship as a major reason for flight from their country. For many such hardship was the simple result of being a native of a country in dire economic straits. For others economic difficulties were the direct result of former political affiliations. This minority complained about specific political harassment due to their years of service to the former regime. Among these were four former officers and

five NCO's of the ARVN, two police and one civilian official, and two former employees of American companies. Formerly imprisoned in reeducation camps, subject to house searches and severe travel restrictions, denied employment and educational opportunities for their children, threatened with forced labor and relocation to new economic zones, these nine refugees left Vietnam under clearly perceived conditions of political persecution. To them can be added nine close relatives of former ARVN soliders and three relatives of former ARVN soldiers and three relatives of police officers who are also subject to discrimination in employment and education. Among other Vietnamese more forms of political persecution are evident. A Catholic Seminarian, denied ordination by government authorities for the past 4 years, has left Vietnam for that reason, the daughter of a Chinese merchant family fled Vietnam due to racial persecution, claiming to fear exile to a new economic zone. There are also a number of "self made" political refugees, who through their own actions have called down police harassment upon themselves. A former student was jailed for 5 years for distributing handbills protesting government policy. A former boat captain was imprisoned for 5 years after an unsuccessful escape attempt. Three other Vietnamese were jailed repeatedly for unsuccessful escape attempts, serving totals of 27, 29 and 33 months. Taken together then, those interviewees claiming specific political persecution number 33. Of the remaining 57 Vietnamese, 47 gave economic hardship as their reason for fleeing Vietnam. Another 16 draft-age males expressed their primary motivation for flight from Vietnam as being their desire to evade military service. For four women the prime motive was a wish for reunification with overseas relatives.

15. *Future Plans in Resettlement Countries:* Seventy of the interviewees expressed a desire to resettle in the United States, 19 in Australia, 5 in Canada, and 6 in other countries. In part reflecting the low average age, 53 percent plan to become students once they are resettled, others intend to take up their former professions as Farmers, Fishermen, Tailors, Mechanics, Jewelsmiths, a Truck Driver, a Welder, an Accountant. Four wish to take unethical training, two to join the armed forces, one to become a priest. Sixteen have no specific plans. As to the question of financial support in resettlement countries, 67 expect initial public assistance, 13 family assistance, 4 assistance from both, and one from Church and family. Fifteen do not know how they will support themselves.

16. *Comparison With 1981 Refugee Data:* In April 1981 consulate Songkhla conducted a similar survey and series of interviews. A comparison of data between then and now reveals some aspects of change in Vietnamese refugee flow. The most obvious difference is the greatly diminished number of Vietnamese arriving in Thailand at present. In the first two weeks of April 1981, 769 Vietnamese arrived in Songkhla Camp. In over 6 weeks of 1983-84, there were only 471 arrivals. Proportionally speaking, this represents a decline of 80 percent. Demographic details have remained fairly constant, with a slight decline of ethnic Chinese from 18 percent to 13. Age divisions between the two surveyed groups are nearly identical. The recent group of refugees exhibited a higher degree of foreknowledge concerning the threat of piracy, the Songkhla Camp, and current refugee policy. Forty-nine had received financial help from abroad as compared to only 35 percent in 1981. One important difference in the refugee traffic is that in 1981 two thirds arrived on boats furnished by escape organizations. In 1984 that proportion had been reduced to less than one third. The size of boats has also been greatly reduced. In 1981, boatloads of 80-120 Vietnamese were common. In 1984 they were unheard of. The largest boatload in the current survey comprised 42 passengers. In 1981 roughly half those Vietnamese surveyed were from Saigon and vicinity. That proportion has declined to less than one fifth, in line with the decline of escape organization activity. The great bulk of the current refugee population are natives of the Mekong Delta. A most important factor currently inhibiting refugee flow would appear to be the stiffening of jail terms for failed escapes from several months to several years in 1984. In 1981 consulate Songkhla, viewing the cohesive Vietnamese family structure and the universal desire of refugees to assist in the exit of relatives still in Vietnam, predicted that the flow of boat people across the Gulf of Thailand would continue unabated in a self-perpetuating cycle. A major change since that time, as revealed in the interviews, would seem to be a turn off of the flow due to the crackdown of the SRV security apparatus upon unauthorized departures from Vietnam.